

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : 07-CR-543

-against- : U. S. Courthouse

RUSSELL DEFREITAS, : Brooklyn, New York

KAREEM IBRAHIM,

ABSUL KADIR &

ABSEL NUR,

DEFENDANTS, : February 19, 2010

- - - - - X 2:15 o'clock p.m.

TRANSCRIPT OF MOTION HEARING  
BEFORE THE HONORABLE DORA L. IRI ZARRY  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: BENTON J. CAMPBELL  
United States Attorney  
147 Pierrepont Street  
Brooklyn, New York 11201  
BY: MARSHALL MILLER  
BERIT BERGER  
Assistant U. S. Attorney

For the Defendant: MILDRED WHALEN, ESQ.  
LEN KAMDANG, ESQ.  
For Deft Defreitas

MICHAEL HUESTON, ESQ.  
ZOE DOLAN, ESQ.  
For Deft Ibrahim

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

KI FAHNI NKRUMAH, ESQ.  
TONI MESSINA, ESQ.  
For Deft Kadi r

DANI EL NOBEL, ESQ.  
DORI C SAM, ESQ.  
For Deft Nur

Court Reporter:

SHELDON SILVERMAN  
Official Court Reporter  
225 Cadman Plaza East  
Brooklyn, New York 11201  
(718) 613-2537

Proceedings recorded by mechanical stenography. Transcript  
Produced By Computer Aided Transcription.

1 THE CLERK: Criminal cause for oral argument,  
2 docket number 07-CR-543, United States versus Defreitas, et  
3 al.

4 (Appearances noted.)

5 THE COURT: Mr. Ibrahim still has not been  
6 produced?

7 MR. HUESTON: I can give you an update.

8 THE COURT: I'm going to ask everyone, please, for  
9 these proceedings to remain seated, speak into the microphone  
10 so that we can all hear each other.

11 MR. HUESTON: I think it was about two weeks ago I  
12 asked him a direct question, when we could anticipate  
13 Mr. Ibrahim brought back to the district. The BOP said it's a  
14 security issue, which I understand. In terms of the treatment  
15 issue, he's gotten better, he's gained more weight. He's over  
16 105 pounds at this point. He's been in this sort of modified  
17 confinement I described to you, out of the SHU setting, I  
18 believe on anti-depressants at this point. The treatment,  
19 what they're doing at Devens has worked. In terms of him  
20 coming to the district, Mr. Miller and I were talking about  
21 this earlier, that we wanted to contact the MDC.

22 What I'm concerned, brought it up with you before,  
23 your Honor, about him being placed back in SHU. We think  
24 that's going to cause his condition to deteriorate. We would  
25 like to get MDC's position, given the fact he's not in the SHU

1 setting, he's fine. Perhaps there's a change of circumstances  
2 with respect to him that we can have a different type of  
3 housing situation or designation for him at the MDC. We're  
4 going to make that phone call after today's conference and see  
5 what information we can get on that.

6           Against the outcome of that, the answer if he's  
7 going to be put in the SHU, my viewpoint would be a latter  
8 date, have him return to the district later would be in his  
9 best interest. For trial he would be out for large portions  
10 of the day. If in general population, an earlier date would  
11 be fine. Once we find that, we'll be able to know which way  
12 we're going in terms of the fork in the road.

13           THE COURT: Do you wish to be heard with respect to  
14 that, Mr. Miller?

15           MR. MILLER: I would only add we communicated with  
16 the Devens facility, heard an update on Mr. Ibrahim's health  
17 very similar to Mr. Hueston's, that he gained weight, was in a  
18 better frame of mind; that they were pleased with his health  
19 progress. We were discussing how to proceed from here in the  
20 manner Mr. Hueston characterized.

21           THE COURT: I do have a concern about his getting  
22 the appropriate medical care since he has both a physical and  
23 a psychological component, and just recently we had a meeting,  
24 "we" meaning the judges of the court had a meeting with the  
25 new warden from MDC. They are suffering from really severe --

1 not news to any of us who are working in the criminal justice  
2 system, particularly in this district -- that they are  
3 severely understaffed with respect to medical personnel and  
4 including the psychiatric component of that, in which case  
5 it's not just a matter of whether he's going to be put in  
6 general population or not, but whether they're going to be  
7 able to continue the type of care that he's been getting at  
8 Devens. Certainly we don't want any regression of his  
9 physical condition now that he's become more stable. The fact  
10 he's taking his medication is a big step by itself.

11 That's a concern. We had a concern that we shared  
12 with the warden that he was going to look to address, which is  
13 the situation where when prisoners are transferred from one  
14 facility to the MDC, about the continuum of medication and  
15 diet plan. That's also something that's going to need to be  
16 addressed. Perhaps the best thing might be for us to  
17 coordinate a meeting. I would like to be present at that  
18 meeting as well, and perhaps we can even get the Marshals  
19 Service to be present as well to discuss all of these matters  
20 with the warden and whoever on his staff might be appropriate.  
21 This way every single branch can express its concerns.  
22 Perhaps we can reach some sort of accommodation. Certainly as  
23 we get closer to the trial date, we'll discuss all of that, I  
24 think closer to the end of the proceedings today. We can  
25 perhaps work that out. We don't need to work that out now.

1           Maybe, Mr. Miller, you can check and see with  
2 Mr. Hueston and Ms. Dolan, and with my staff we can coordinate  
3 that. We don't need to take up everyone's time to do that  
4 today.

5           MR. MILLER: Yes, your Honor.

6           THE COURT: Before we start the oral arguments on  
7 the motions, are there any other matters that the parties want  
8 to address?

9           MR. MILLER: The government would like to address  
10 briefly some scheduling issues to ensure we're all on the same  
11 page with respect to the trial date and the sequence of events  
12 pertaining to that date.

13           I believe the last time we were here we spoke about  
14 a trial date of June 1st.

15           THE COURT: Yes.

16           MR. MILLER: It's the government's expectation in a  
17 case such as this one, the jury selection process would be  
18 longer than your average case. In cases like this, as in the  
19 past, we've engaged in a jury questionnaire process, not to  
20 the level of a death penalty case with individual voir dires  
21 with the jurors, but questionnaires, a panel being brought in  
22 with additional follow-up questions at side bar if your Honor  
23 thinks it's appropriate.

24           At any rate in this kind of case, that questionnaire  
25 process builds additional time, two to three weeks before the

1 trial gets under way, and assuming your Honor is going to  
2 follow that general approach, we want to get a sense when the  
3 jury return date would be, when the questionnaires might be  
4 handed out and then when the trial might actually get  
5 underway.

6 THE COURT: I'm glad that you raise that issue  
7 because I was going to ask in the first instance whether or  
8 not, because I have no sense so far, whether or not the  
9 government was going to ask for an anonymous jury in this  
10 case.

11 MR. MILLER: Yes, I think we would ask for  
12 anonymous jury in this case.

13 THE COURT: One of the first steps, I think given  
14 that, given my trial schedule, I think we need to set up a  
15 schedule for that motion practice, obviously. Given the fact  
16 we do need to do that motion practice and then, as you say,  
17 even if there is no anonymous jury, I agree with you, I think  
18 the questionnaire process is probably the best way to go when  
19 we have a number of people involved here so that process of  
20 fine tuning the questionnaire, so on, given the length of the  
21 trial, we also need to give the jury clerk notice, at least  
22 30 days advance notice so they can call in jurors at least  
23 30 days prior to the beginning of our trial date.

24 Realistically, I don't think, given we're already at  
25 the end of February, given what I know to be my trial

1 schedule -- I don't know what everybody else's trial schedule  
2 is at this point -- I don't think June 1st is a realistic  
3 date.

4 Does anybody else have that sense as well?

5 THE COURT: There's a possibility, depending what I  
6 hear on oral argument today, that I may order hearings on the  
7 motions that have been made, at least with respect to  
8 Mr. Defreitas' Miranda issues, I don't think we disagree, a  
9 hearing has to be held, but we may need hearings on some of  
10 the other issues as well, and while I may be able to render  
11 some decisions up front with respect to some of the other  
12 issues that have been raised, I still would have to wait until  
13 we do a hearing to issue a decision on the rather extensive  
14 motions that have been made here by the defendants. That also  
15 has to be worked into the schedule.

16 Does everybody think that's reasonable? I don't  
17 think the June 1st date is reasonable under all these  
18 circumstances.

19 MS. MESSINA: My only concern is that other cases  
20 that I had scheduled might now have to be rescheduled. May I  
21 suggest we wait to see how today's oral argument goes and the  
22 court has a sense whether you'll be ordering anymore hearings  
23 and then speaking --

24 THE COURT: We have to build in a motion practice  
25 as well for the anonymous jury that the government has



1 indicated.

2 MR. MILLER: This is a motion --

3 THE COURT: We're already at the end of February.

4 MR. MILLER: I would add we're prepared to file  
5 that motion quite quickly, a motion that is similar to motions  
6 we bring in cases like this. While I can't speak for defense  
7 counsel, in an effort to preserve the trial date, if that's in  
8 everybody's interest, I think within ten days to two weeks we  
9 could have that motion filed.

10 MS. WHALEN: Speaking for Mr. Defreitas, we had  
11 anticipated the jury selection process would begin on  
12 June 1st. We weren't actually anticipating testimony. We  
13 were sort of, at least on our side, we were anticipating  
14 things would begin that day. I don't know if realistically  
15 June 1st, at least for the selection process, is feasible. I  
16 would think it still is, but I don't know.

17 MS. MESSINA: Can we have a second to confer  
18 amongst ourselves?

19 THE COURT: Absolutely.

20 MR. NOBEL: Before we confer, on behalf of Mr. Nur,  
21 we would oppose an anonymous jury application so motion  
22 practice would be required on that issue.

23 I would also say, though the government has been  
24 cooperative on the terms of discovery, that process is  
25 continuing, I think it would be wildly optimistic to think

1 there won't be some issues, residual issues, that would have  
2 to be addressed as to discovery. I know I spoke with the  
3 government today about what expert witnesses they might be  
4 calling. That information is, again, the government is  
5 providing information, but it could be there would be a  
6 challenge to the expert that the government wishes to call.

7 THE COURT: We can, it seems to me, set discovery  
8 dates and motion dates with respect to that, have a schedule  
9 set up for that so that it's just not left dangling out there,  
10 even if it's outside what the Federal Rules normally say,  
11 given that there are a lot of issues here that have to be  
12 dealt with.

13 My concern is that, given the current trial schedule  
14 that I have, it's going to be very difficult for me to  
15 schedule some of the hearings. That's the only concern that I  
16 have, but that being said, there are other cases I have to  
17 try, one of my older cases and all four defendants have been  
18 incarcerated for a substantial period of time, whether here or  
19 in outside jurisdictions, if I have to move something, I will  
20 move something else to accommodate this case certainly.

21 MR. MILLER: While we're going over some of the  
22 hearings and other issues that will arise pretrial, the other  
23 one worth pondering is the CIPA process which has two parts.  
24 The first part, we provided some classified discovery. If the  
25 defense -- we expressed our intention not to use any of that

1 classified information in our case. If the defense wishes to  
2 use any of that information or evidence derived from that  
3 discovery, they need to provide notice to the government.  
4 Then there's a process for your Honor to rule on various  
5 aspects how that would go forward. That's another set of  
6 issues that needs to be kept in mind as we devise the  
7 schedule.

8 In addition, although at this point I'm not certain  
9 there will be, but there may be classified information  
10 disclosed in 3500-type material. That's a process also that  
11 shouldn't involve as much back and forth but could.

12 MR. HUESTON: Might we have a moment to confer?

13 THE COURT: Yes, certainly.

14 (Pause.)

15 THE COURT: Have counsel had enough time to confer?

16 MS. WHALEN: We have, your Honor.

17 THE COURT: Is there some consensus?

18 MS. WHALEN: The defense team had believed jury

19 selection was going to be beginning on June 1st. We  
20 understand now that jury selection will begin a few weeks  
21 before. They're amenable beginning the actual process on  
22 June 1st, maybe sending out the questionnaire, resolving the  
23 questionnaire issues the week before.

24 THE COURT: It's going to take us a substantial  
25 amount of time to pick a jury, to go through the

1 questionnaires. We're going to need time for the attorneys to  
2 prepare the questionnaires, for the court to review it. As I  
3 said, I've already had cases I've had scheduled for trial now  
4 for months.

5 MS. WHALEN: We were also thinking if there had to  
6 be a delay, I guess we were thinking of two weeks. That  
7 wouldn't be a problem. The problems happen if it goes much  
8 further because certain attorneys assumed they would be giving  
9 the trial over to this case, had set up other cases and other  
10 commitments in September.

11 THE COURT: So has the court. I don't understand  
12 why if there are CIPA issues why that hasn't been brought to  
13 the court's attention earlier so that we could have started  
14 this process a bit earlier.

15 MR. WHALEN: Speaking for Mr. Defreitas's side, we  
16 don't anticipate given the discovery we've been given so far,  
17 we're not anticipating any CIPA issue. If it's 3500 material,  
18 we could set up a schedule for the delivery of the 3500 that  
19 would give us an opportunity to deal with the CIPA. I know I  
20 believe there are some documents the government is in the  
21 process of declassifying so there won't be a CIPA issue, but  
22 at this point from our side, I'm not anticipating a CIPA  
23 problem.

24 THE COURT: Are there any defense attorneys that  
25 are anticipating any CIPA issues that will have to be

1 addressed through motion practice?

2 MS. MESSINA: For Mr. Kadir, anything from that  
3 room that we anticipate.

4 THE COURT: Anything else coming?

5 MR. MILLER: We intend to do a second 3500 analysis  
6 to ensure there's no classified material that would fall under  
7 that disclosure requirement which, as your Honor is well  
8 aware, generally is closer to the time of trial. We're happy  
9 to expedite that, do that early for the reasons Ms. Whalen  
10 appropriately suggested, so we could set an early classified  
11 3500 disclosure date that would leave time to resolve any  
12 issues that might arise regarding how the defense wants to use  
13 that material at trial, but my sense is that material is going  
14 to be relatively minimal. If the disclosures are made, what  
15 we're hearing, the defense doesn't try to offer evidence from  
16 discovery that's already been provided in a classified form,  
17 that should do away with most of the CIPA problems in terms of  
18 schedule. It's a wise idea to set an early classified  
19 disclosure date to look at issues that might arise from that.

20 THE COURT: For purposes of any hearing that's  
21 going to be held on the motions that have been filed, while  
22 counsel were conferring, the earliest date I have available  
23 for a hearing is March 23rd. We could start at 10:00 o'clock.  
24 I have the whole day set aside. I also have some time on  
25 March 25th if for some reason the hearing spills over. For

1 now, the only hearing I foresee is the hearing with respect to  
2 the Miranda issues relating to Mr. Defreitas. I may change my  
3 mind after I hear oral argument on the motions today. It will  
4 be a hearing on any of the issues relating to the case if  
5 that's a date good for everyone.

6 MS. WHALEN: It is for Mr. Defreitas.

7 THE COURT: It may or may not affect the other  
8 defendants.

9 MS. MESSINA: Fine for Mr. Kadir.

10 MR. NOBEL: That's fine.

11 MR. MILLER: We're available any time.

12 THE COURT: I tell you what I would like to do, I  
13 would, once we get done with the oral arguments, we could talk  
14 some more about setting up an additional schedule with respect  
15 to any disclosures of experts, any discovery issues. I really  
16 want to get to the meat of the matter and get to the oral  
17 arguments.

18 With respect to the jury selection, we need to have,  
19 if we're going to start -- I gather the parties want to start  
20 with the jury selection -- the next jury selection would be  
21 June 14th I have as an update. June 14th to begin with the  
22 jury selection and then what I would like to do is to start  
23 with the exchanges of the questionnaires in April to give us  
24 sufficient time to review and so on.

25 MR. MILLER: Exchange between the parties, the

1 proposed questions?

2 THE COURT: You could submit that to me.

3 THE COURT: Shall we say by April 16th?

4 MR. MILLER: That would be fine.

5 After 16th to the court after we have exchanged?

6 THE COURT: Right.

7 (Pause.)

8 MR. MILLER: With respect to the jury selection, is  
9 the idea to hand out, once the questionnaire is finalized,  
10 approved by the court, to hand out the questionnaire in  
11 advance of June 14th, have reviewed it with an eye towards  
12 actually bringing the jury in, selecting them on June 14th, is  
13 that the idea?

14 THE COURT: Yes. We want to make sure we give  
15 ourselves sufficient time, give the jury clerk sufficient  
16 time, give at least 30 days advance notice, 30 to 37 days  
17 advance notice, especially since we're going into the  
18 summertime, people with vacation plans, kids out, weddings,  
19 all that stuff going on.

20 MR. NOBEL: In reference to starting jury  
21 selection, it's been my experience on questionnaire cases that  
22 sometimes the government and defense have disagreements as to  
23 people who should be struck for cause -- as a matter of fact,  
24 every time. What we've always done is to identify places  
25 where the defense and the government agree, identify places

1 where we don't. By "place" I mean a stack of questionnaires.  
2 When the court indicates we would start jury selection  
3 June 14th, do you mean that would be the day when we would  
4 address any identified areas of disagreement as to "for cause"  
5 challenges or would it be the court's practice to present  
6 those challenges as each is called out of the wheel? I'm not  
7 sure what your practice is.

8 THE COURT: The 14th will be the date in which the  
9 jurors come in. The reason why we want an off day, off  
10 regular jury selection day, is to distribute the  
11 questionnaires to the jurors on that day. We can have the  
12 jury clerk have half of them come in, distribute the  
13 questionnaires, half in the morning, collect those, get the  
14 other half filled out in the afternoon. Counsel will have  
15 then the rest of the week until Thursday to go over them,  
16 figure out where you have challenges, so on. Then we can meet  
17 on Friday because I'm going to set the schedule for the trial  
18 at that point. I will certainly be available to the parties.  
19 We can get together and discuss those jurors who have  
20 challenges, discuss how we want to proceed at that point. Is  
21 that acceptable to the parties?

22 MR. MILLER: That's fine. The system that you  
23 described is the one that I've engaged in previously. I think  
24 it's the appropriate system. Sometimes handing out  
25 questionnaires Monday, getting through them by Friday can be a



1 challenge, depending on the length of the questionnaire,  
2 number of the jurors. We're standing ready to do that.

3 My only concern is a logistical one. It usually  
4 takes from the hand-out of the questionnaires at least two  
5 weeks, sometimes a little longer to get the jury in place. By  
6 that point we're up on July 14th. My concern is that pushes  
7 the trial back. I didn't know -- I know there's an issue  
8 handing out the questionnaire on regular return dates. I  
9 don't know if it's possible to do that, hand out the end of  
10 May, the first two weeks of June since much of the work of  
11 going through the questionnaires is worth it. We can work  
12 with defense counsel on it.

13 If your Honor is otherwise engaged, perhaps we can  
14 wait until you're no longer engaged, but still save some time  
15 by not pushing back to June 14th. I know the scheduling is  
16 somewhat out of our control.

17 THE COURT: I want to check some jury return dates.  
18 It's not here with the notations I have on the calendar. The  
19 1st may not be a regular jury return day. If that's the case,  
20 we can keep that date for the jurors to come in for the  
21 handing out of the questionnaire, then have the jurors come in  
22 for voir dire on the 14th.

23 MR. NOBEL: So I understand, you're proposing we  
24 pass the questionnaires out in the Central Jury Room on the  
25 1st?

1 THE COURT: On the first. That would give the  
2 parties through the weekend. We could then meet on the 7th to  
3 discuss any issues with respect to challenges. We could also  
4 discuss at that point in time how you want to proceed with  
5 respect to questioning and so on. I don't want to tie up the  
6 time now discussing that. Then we could have the jurors all  
7 be told they come in on the 14th.

8 MR. MILLER: That seems to make sense to the  
9 government.

10 THE COURT: I am going to ask when you provide the  
11 jury questionnaires to use Word format.

12 MR. MILLER: Microsoft --

13 THE COURT: Microsoft Word. At the end of this my  
14 law clerk will give you the e-mail address so you could e-mail  
15 that to the court as well.

16 Remind me before we end, Mr. Nobel, you raise the  
17 issues to set a schedule for discovery issues?

18 MR. NOBEL: Very well.

19 THE COURT: Let's get to the meat of the matter.  
20 I've actually been looking forward to oral argument on this  
21 case. I think the issues are quite interesting that have been  
22 raised by the parties.

23 What I would like to do, proceed as follows. Some  
24 of you have issues in common. Some of you do not. I want to  
25 begin by addressing some of the issues as they relate to each

1 individual defendant in the order in which they appear in the  
2 caption, just for sake of orderliness.

3 I read through everyone's submissions. Rather than  
4 just have you do as you might do in an appellate court, have  
5 ten minutes to state your case, I thought it might be more  
6 helpful if I threw out some questions about some of the issues  
7 that the court is concerned about based on the papers, based  
8 on the cases.

9 We'll start with Mr. Defreitas's motion with respect  
10 to the suppression issues relating to the statements and to  
11 evidence from the backpack.

12 Ms. Whalen, are you going to argue this on behalf of  
13 your client or Mr. Kamdang?

14 MS. WHALEN: No, I'll be arguing it, your Honor.

15 THE COURT: The court acknowledges having received  
16 the defendants' reply brief and the government had submitted a  
17 sur-reply since there was information contained in the reply  
18 brief that had not been there before.

19 The government's response is that with respect to  
20 the backpack, that because the defendant had been placed under  
21 arrest, it would have been the FBI's policy to seize the  
22 backpack, inventory the contents and therefore under the  
23 theory of inevitable discovery, that the items would have been  
24 discovered and are therefore admissible.

25 If the court were to accept that argument, would

1 that necessarily preclude a hearing on this matter? In other  
2 words, doesn't that argument moot out the issue with respect  
3 to the consent to search, the backpack?

4 MS. WHALEN: I don't think it does, given the  
5 affidavit that we received from Robert Addonizio.  
6 Agent Addonizio, paragraph ten of his affidavit, simply  
7 affirms they asked Mr. Defreitas for consent to search his  
8 backpack and then Mr. Defreitas then gave consent.

9 In the case cited by the government in the letter  
10 they sent in arguing for inevitable discovery, United States  
11 versus Mendez, the Second Circuit said the government has to  
12 prove three things. First, the police had legitimate custody,  
13 that when the police in the agency in question, in this case  
14 it would be the FBI, conducted the inventory search, that they  
15 did so pursuant to an established or standard procedure and  
16 that the procedures would have inevitably led to the discovery  
17 of the challenged evidence.

18 I guess in the Mendez case they actually did follow  
19 the procedures for inventory search.

20 In 2006 in a case of the United States versus Heath,  
21 citation 455 F.3d 52, 2006, that was a case where basically  
22 the police acted precipitously, later argued inevitable  
23 discovery would have applied. In that case the Second Circuit  
24 held evidence is admissible under the inevitable discovery  
25 exception to the exclusion area rule only where a court can

1 find with a high level of confidence each of the contingencies  
2 necessary to the legal discovery of the contested evidence  
3 would have been resolved in the government's favor.

4 I believe while the government is legally correct  
5 that were they to establish that it was the FBI's procedure in  
6 this case to have conducted an inventory search had  
7 Mr. Defreitas refused his consent or not asked for his  
8 consent, then legally it would mooted it out.

9 My argument would be Agent Addonizio's affidavit  
10 makes no statement with respect to what the FBI procedures  
11 are, and not that I'm questioning Mr. Miller's -- I am  
12 questioning Mr. Miller's authority to put that forth. I think  
13 we need somebody from the FBI, either an additional submission  
14 from Agent Addonizio, but in the alternative, I would argue  
15 the better course would be if the court is inclined to grant a  
16 hearing on the Miranda issue where Robert Addonizio is going  
17 to have to testify anyway, the better course would be to have  
18 him testify subject to cross-examination as to policies of the  
19 FBI on inevitable discovery.

20 THE COURT: Mr. Miller, do you wish to respond?

21 MR. MILLER: Ms. Whalen has hit on the three prongs  
22 of the test. I don't think there's any dispute, at least not  
23 hearing any dispute the FBI came lawfully into the possession  
24 of the backpack. Had an inventory search been conducted, the  
25 items in question would have been found. If the issue is

1 crystalized, the FBI has a policy that when arrests are made,  
2 items taken from the arrestees must be inventoried, we can  
3 certainly put in an affidavit on that limited point or have  
4 whoever testifies at the hearing cover that within a couple of  
5 questions. I don't think we're really in disagreement here.  
6 We're happy to provide that in either form.

7 We can talk about that, I could speak to Ms. Whalen  
8 afterward, see if an affidavit would be sufficient. If not,  
9 we're happy to have that witness testify to that limited  
10 point.

11 THE COURT: The other issue or question that I had  
12 is with respect, while I understand there is a disagreement  
13 between when the government says Miranda Warnings were  
14 administered, whether it was oral or in writing and the  
15 defendants' version when the Miranda Warnings were  
16 administered, and obviously we need to have a hearing to  
17 resolve that issue.

18 I suppose my question is the government has  
19 represented the Miranda Warnings were read to Mr. Defreitas  
20 from a statement, from a sheet that they have, a rights sheet,  
21 advice of rights sheet that they have. So that they orally  
22 advised him of his rights and then presented that document to  
23 Mr. Defreitas and asked him to initial it. According to the  
24 government's recitation of the facts, he read it, Mirandized  
25 it.

1           Aside from the timing issues, the defense has  
2 indicated Mr. Defreitas, said he was unable to read it. I  
3 suppose my question is to what extent -- if it is true as the  
4 government indicated that Mr. Defreitas was read the warnings,  
5 to what extent is it necessary for the defendant to be able to  
6 read the document?

7           MS. WHALEN: Your Honor, I don't believe that it  
8 is. I think the case law is pretty clear that if the warnings  
9 are given orally, there's no necessity for a follow-up in  
10 writing. We simply address that issue because it was  
11 presented to us as just a further affirmation of not only did  
12 we orally tell him, but we also let him read and see, he  
13 initialed here and there, therefore he clearly understood. It  
14 was just a response to that.

15           I don't think there is case law that requires an  
16 individual to be able to read the warning if they are in fact  
17 read to him.

18           THE COURT: I suppose what's a little troubling  
19 about the whole issue about whether or not Mr. Defreitas can  
20 understand what he was being given to read is to the extent  
21 that that is an issue for the hearing, how the parties go  
22 about presenting evidence to that effect, I think that's  
23 something that the parties are going to need to consider to  
24 the extent that impasse on the issues that have to be  
25 litigated at the hearing. In that regard, the government, in

1 its replies, has made a request to be permitted to rebut the  
2 defendant's statement he was unable to read by submitting  
3 certain books or documents that were seized from his residence  
4 here in New York.

5 Do you want to address that for the limited purpose  
6 of the hearing? I don't think they otherwise intended to use  
7 that evidence; am I correct?

8 MR. MILLER: That's correct, your Honor. That also  
9 would apply if at trial were Mr. Defreitas to decide to  
10 testify.

11 MS. WHALEN: At this point I anticipated rebutting  
12 the claim that he could read through the government's own  
13 witnesses. I believe there were incidents that took place,  
14 especially with the informant in this case where it was clear  
15 to the government informant, at least, and I would assume  
16 clear to the government agents, Mr. Defreitas could not read,  
17 had difficulty reading.

18 I guess the other modes we would choose to have  
19 Mr. Defreitas testify as to why he might have these reading  
20 materials in his possession, yet be unable to read. I think  
21 we would address that at a hearing. I'm not anticipating, if  
22 the court is concerned, I'm not anticipating putting on the  
23 evidence of a psychologist or showing tests or anything to  
24 indicate brain damage or something like that.

25 THE COURT: I want to move on to the issue about



1 the evidence that was seized from defendant's residence in  
2 Georgetown, Guyana.

3 The first question for you, Ms. Whalen, other than  
4 the fact the investigation originated in the United States, at  
5 least based on the documents -- the record set forth before  
6 the court and the prosecution is taking place here in the  
7 United States. On what grounds are you asserting agency on  
8 behalf of the Guyanese officials or that it was a joint  
9 venture, to use the terminology of some of the cases  
10 specifically Maturo, one of the cases you're relying on?

11 MS. WHALEN: I'm basing on my view of the facts  
12 presented in the complaint and other documents. My  
13 understanding Mr. Defreitas was arrested here in the  
14 United States. The complaint was brought here in the  
15 United States. The other defendants were all arrested in  
16 Trinidad. For the Guyanese, on its face, for the Guyanese  
17 government to suddenly conduct a search of my client's home in  
18 Georgetown seems to me to be incredible unless there is some  
19 government involvement. While Agent Addonizio said  
20 United States agents did not participate in the search, as I  
21 said, simply not participating in the search, I guess I need a  
22 further clarification of what that means.

23 Does that mean they did not ask for the search but  
24 yet -- did they ask for the search but yet not go with the  
25 officers to the magistrate to get a copy of the warrant?

1 Did they ask for the search or did the Guyanese  
2 officials call and say do you want us to search?

3 Given Agent Addonizio's affidavit, there's no  
4 indication what not participating in the search means. We  
5 need additional clarification there.

6 I think also the bald facts what happened after the  
7 search, where they turned all the items over to the United  
8 States Government, did not keep them for any kind of  
9 investigation or further follow-up in Guyana indicates to me  
10 there was some sort of agency between the United States  
11 Government and -- well, the United States agents and the  
12 Guyanese agents. I don't know whether the court was aware of  
13 it, whether this was the police departments working together  
14 or whether the government is prepared to say no agent in the  
15 United States --

16 THE COURT: Which court was aware of it, the  
17 Guyanese court?

18 MS. WHALEN: The Guyanese, or whether the  
19 government is prepared to have Agent Addonizio testify under  
20 oath or in an affidavit, said no participation, he means no  
21 participation, didn't ask the Guyanese government to exit this  
22 search, the Guyanese police didn't approach them requesting  
23 the search and that this was something completely unforeseen,  
24 unrequested by the United States and simply an action with no  
25 link to the United States but for the fact the Guyanese turned

1 the evidence over to them at the end of the search. I think  
2 based on the affidavit we have, it's not clear and facially  
3 looking at the case, given none of the arrests were made in  
4 Guyana, that all of the arrests were made in other countries,  
5 and while clearly the complaint became public when the  
6 defendant was arraigned, it just seems odd the Guyanese would  
7 suddenly go in and permit a search of this individual's home.

8 THE COURT: I would like to hear from the  
9 government with respect to that.

10 MR. MILLER: The fact of the matter is the Guyanese  
11 law enforcement did act on its own. The government through  
12 the U.S. Attorney's Office, the Office of International  
13 Affairs of the Department of Justice and the FBI didn't  
14 request this search be done. I endeavor to ensure before this  
15 hearing there wasn't a request from the government of Guyana  
16 for it is the government's position on a search. I have been  
17 told by some secondhand, happy to provide an affidavit on this  
18 point if the court would like one, but I checked into whether  
19 the people whose job it is from the FBI to liaison with  
20 Guyana, the Legat and the assistant Legat assigned to the  
21 country of Guyana, whether they have problems with the search  
22 in Guyana, secondhand the answer is no.

23 The reason is that happened, the government of  
24 Guyana became aware through the public filing of an extensive  
25 complaint which your Honor is of course well aware of and

1 extensive and detailed complaint the allegations Mr. Defreitas  
2 was involved in a very significant terrorist plot involving an  
3 attack on JFK Airport, and my guess is they took that very  
4 seriously as potential threat to the national security of  
5 Guyana, as well as the national security of the United States  
6 and conducted a search to ensure the safety of their own  
7 population occurs.

8           At any rate, when agents traveled to Guyana shortly  
9 thereafter, they were updated on the search, shown the  
10 materials seized during the search, assured by the government  
11 of Guyana it was a legal search, provided a copy of the  
12 warrant as well as the information underlying the warrant and  
13 the affidavit. They again were assured by responsible members  
14 of the Guyanese law enforcement community and government this  
15 was a valid search under Guyanese law.

16           As a result, as set forth in case law from the Ninth  
17 Circuit, the Southern District of New York, district courts in  
18 other circuit courts across the country, they weren't really  
19 in a position to engage in some sort of investigation of the  
20 Guyanese law and the Guyanese representations where they were  
21 presented with a valid search warrant inventory and  
22 explanation of the validity under Guyanese law of that search.

23           As a result, I think it quite clearly qualifies  
24 under the Leon good faith exception, even were there to be  
25 some mistake on the part of Guyanese law enforcement in the

1 way they executed the warrant under their law. It would be  
2 anomalous, for example, for us to say here in the  
3 United States if a U.S. agent makes a good faith mistake under  
4 U.S. law in executing a warrant, obtaining and executing a  
5 warrant, that that's excusable under Leon, but it's not  
6 excusable when they rely on a representation of someone in  
7 Guyana where they know much less of the law, should be charged  
8 with much less knowledge of the law. Both under the joint  
9 venture analysis or the virtual agent analysis, whatever the  
10 terminology is that the circuit uses, under that theory,  
11 Guyanese law enforcement operated on its own in this search  
12 before it turned over the fruits of the search to the U.S.  
13 Government and the agents acted appropriately in relying in  
14 good faith on the representation of the Guyanese law  
15 enforcement officers that this was done according to Guyanese  
16 law.

17 THE COURT: You mentioned the agents had gone to  
18 Guyana at some point. Had they been notified before that by  
19 the Guyanese government they had executed the search?

20 MR. MILLER: My understanding the first time they  
21 became aware of the search was during meetings in Guyana a  
22 couple of days after the search and that it was a surprise to  
23 the agents the search had been conducted. That's my  
24 understanding of the factual situation. Within a couple of  
25 days, I would have to get the exact date, but it was within

1 two to three days of the search where the evidence was  
2 provided. I think I could get that for your Honor. It's  
3 within the government's submission. I have to find the  
4 appropriate point. The search warrant was executed, I  
5 believe, on June 6th. The hands-off of the materials was on  
6 June 10th. This is all in Exhibit F to the Addonizio  
7 affidavit.

8 I would note this also holds true with respect to  
9 two of the other searches that took place in Guyana, I believe  
10 only one of which is the subject of any kind of motion.  
11 That's with respect to Mr. Kadir's home, two searches of  
12 Mr. Kadir's home. I would note the second search of  
13 Mr. Kadir's home is on June 10th did take place at the request  
14 of the U.S. Government and with the joint -- that is a member  
15 of the JTTF accompanied Guyana's law enforcement agents when  
16 they executed that warrant. That's a slightly different  
17 scenario. I.

18 MS. WHALEN: My response to this, first, again, I  
19 would say there has to be some sort of supplementation of the  
20 affidavit put forward. None of that has been set forth that  
21 the search was conducted afterwards; that the government was  
22 not aware of the search. None of that was set forth, I  
23 believe, in the affidavit from Agent Addonizio.

24 Secondly, moving on to the legal --

25 THE COURT: Let's go back a little bit. Even if we

1 were to assume for argument's sake that the government said  
2 Guyanese government, here, we have filed this complaint  
3 against someone who is a U.S. citizen of Guyanese origin, we  
4 believe he has contacts or residence or family members in  
5 Guyana. You may be interested in this. Let's assume that for  
6 argument's sake.

7           Wasn't the level of cooperation between the  
8 United States and the Turkish government in the Maturo case  
9 certainly far more substantial than certainly what seems to be  
10 involved here, even if it were the situation that the  
11 government even made a request for an execution of a search  
12 warrant, and in the Maturo case, the Second Circuit said --  
13 they held two things; that the Turkish police did not act in a  
14 joint venture with the Drug Enforcement Agency, with the DEA  
15 in gathering evidence through some electronic surveillance and  
16 there were some wiretaps that were involved there and in fact  
17 there was very extensive exchange of information that was  
18 involved there, the circuit also found that the electronic  
19 surveillance which was what was involved there, frankly,  
20 probably far more intrusive, did not have to comport with  
21 Fourth Amendment standards. It seems to me that was a fairly  
22 high bar that the circuit set in order to determine in the  
23 first instance that there was a joint venture between the  
24 foreign government and the United States.

25           MS. WHALEN: I agree that in the Maturo case

1 looking at the actions of the Turkish government in getting  
2 the wiretaps, I think in that case the U.S. Government clearly  
3 gave them information and then the Turkish government acted on  
4 it, but I think the thing that distinguishes the Maturo case  
5 from the instant case is that the Turkish government or the  
6 Turkish police agency went on to conduct a separate  
7 investigation. It was their investigation with an eye towards  
8 prosecution was conducted in Turkey where they did conduct  
9 wiretaps. I think in the end they turned the wiretaps over to  
10 the United States for a translation and even though those  
11 wiretaps wouldn't have been admitted in a Turkish court, I  
12 think they were using them as part of their investigatory  
13 measures or part of their investigation into the drug  
14 trafficking in turkey.

15 Here, there's no evidence there was any kind of  
16 investigation on the part of the Guyanese government other  
17 than the search. Clearly, the fact they immediately, or  
18 within two or three days of the search turned the items back  
19 over to the American government or turned over all the items  
20 to the American government indicates they had no intention of  
21 conducting an independent investigation.

22 While I agree Maturo set a high bar, I think the bar  
23 in Maturo was set so high because the Turkish government --  
24 there was evidence the Turkish government was actually  
25 conducting an independent investigation based on information



1 that they may have originally received from the United States  
2 and gathered evidence as part of that investigation while the  
3 evidence they gathered might not have been admissible in  
4 Turkey, and while they turned it over to the United States  
5 that actually ended up using it, I think there it was almost  
6 clearer there was a separateness which was why the bar was set  
7 so high because the investigation, while they may have  
8 initiated from the same information, the U.S. Government  
9 turned over phone numbers to the Turkish government, or the  
10 police, and they investigated, I think it's almost the space  
11 between the investigations led to the bar being set so high.

12 THE COURT: Let me interrupt you for one second.  
13 Even if the court were to determine the Guyanese were acting  
14 as agents, virtual agents or in a joint venture with the  
15 United States, it seems to me under in re terrorist bombings  
16 of the United States embassies in east Africa, the second  
17 opinion from the circuit, which is found at 552 F.3d 157, of  
18 the three opinions, the second opinion and the last one, the  
19 last one being which deals with the Fifth Amendment issues  
20 that were raised in that case. That decision is found at 552  
21 F.3d 177. For ease of reference, let's call it the Embassy-2  
22 case.

23 The circuit there says in that situation the court  
24 then needs to determine whether the search was reasonable.  
25 Then it also sets forth the test that the court has to apply

1 in order to determine whether or not the activities of the  
2 Guyanese officials were reasonable, and it requires a totality  
3 of the circumstance's analysis and it requires a balancing of  
4 the degree of intrusion into the defendant's privacy versus  
5 the need that is present with respect -- the needs to be met  
6 for the government under this totality case.

7 So, if that is the case and that certainly is how I  
8 read those cases and some of the other cases that were cited  
9 in the government's brief, and in defense counsels' brief as  
10 well, isn't the intrusion here, if you will, that was made at  
11 least pursuant to a warrant far less intrusive than the  
12 warrantless searches or wiretaps used in Embassy-2?

13 MS. WHALEN: Your Honor, my argument would be the  
14 warrant itself, the basis for the search was to look for  
15 firearms, ammunition, explosives. I believe, based on all of  
16 the information the government had at that point, they knew  
17 that Mr. Defreitas did not have firearms, ammunition or  
18 explosives and they knew that the individuals alleged to be  
19 involved in this case or the government's theory these people  
20 were looking for funding for such items, that they didn't have  
21 those items. I guess my argument would be, while there was a  
22 warrant, our circuit has not adopted the joint venture test  
23 which says you will look at whether the search was legitimate  
24 under local law. It says you look at the balancing test.

25 I would argue based on the stated basis for the

1 warrant, looking for these specific items, that the U.S.  
2 Government clearly knew Mr. Defreitas did not have access to  
3 and the search confirmed he did not have access --

4 THE COURT: But the circuit said in Embassy-2 and  
5 held in Embassy-2 when you're dealing with foreign searches of  
6 U.S. citizens, that the Fourth Amendment warrant clause does  
7 not apply. What applies is the reasonableness. From what I'm  
8 hearing is that you're actually invoking these strictures of  
9 the warrant clause and the requirements of the warrant clause.  
10 A reasonable analysis looks to the totality of the  
11 circumstances and in that totality of the circumstances  
12 engaging within that analysis, engaging in that balancing test  
13 between the intrusion into the defendant's privacy and the  
14 needs that are to be met by the interest the government has to  
15 protect in engaging in that fact-finding or in that finding of  
16 intelligence, whatever the situation might be.

17 MS. WHALEN: I was not trying to invoke the warrant  
18 requirement. I was simply trying to respond when you said  
19 isn't a search with a warrant much less intrusive than a  
20 search without a warrant. My argument, what I was trying to  
21 say, was that it depends on what the basis is for that  
22 warrant. You can have a warrant that has absolutely no basis  
23 in fact that's much less reasonable than a warrantless search  
24 which may have a basis in fact, but I'm not seeking to invoke  
25 the warrant requirement.

1 I agree the Second Circuit has adopted the issue of  
2 intrusion on an individual's privacy versus the need for  
3 promotion of legitimate governmental interests. What I'm  
4 trying to say, clearly the search of a home has always been  
5 considered a severe intrusion. In this case, balancing the  
6 search of Mr. Defreitas's home versus the government interest  
7 where the claim was made in the warrant, not that I'm invoking  
8 the use of the warrant, but the claim in the warrant was made  
9 to search for firearms, ammunition and explosives, my argument  
10 is that the U.S. Government, at the very least, knew that  
11 these individuals did not have firearms and explosives and I  
12 believe that the complaint that was filed, which was allegedly  
13 the basis of the Guyanese police search, did not clearly set  
14 forth the fact these were people looking for, allegedly,  
15 firearms, ammunition and explosives and unable to find those  
16 things, as much as the government knew.

17 What I'm saying is the intrusion of searching the  
18 home based on the promotion of government interest at the time  
19 the search was conducted, that in this case the balance would  
20 fall in Mr. Defreitas's favor of it being such a great  
21 intrusion supposedly based on a search for ammunition and  
22 explosives which the government clearly knew were not in his  
23 possession.

24 THE COURT: That was precisely the argument that  
25 was raised by the defendant in Embassy-2. The Second Circuit

1 in fact engaged in a rather long and detailed discussion about  
2 the argument, the specific argument that was raised by the  
3 defendant in that case, which was this was an intrusion into  
4 my home, and traditionally in the Fourth Amendment  
5 jurisprudence of the United States, there is the sanctity of  
6 the home which lies at the core of the Fourth Amendment,  
7 freedom to be free from arbitrary intrusions into your own  
8 home.

9 The court goes through a very detailed analysis  
10 about the exceptions to the warrant clause and specifically in  
11 addressing the issue about the sanctity of the home.

12 In the end, the court ultimately decided that at  
13 least in the Embassy-2 case that the government's interest in  
14 protecting the security of the United States from terrorist  
15 attack far outweigh any intrusion into the defendant's home.

16 In that particular case there happened to be a  
17 warrant for the defendant's home in Nairobi. Mr. Miller, do  
18 you want to address these issues that have been discussed?

19 MR. MILLER: Your Honor has hit on the paramount  
20 interest and legitimate government interest in protecting  
21 national security and engaging in searches relating to homes  
22 inhabited by people involved in terrorist organizations, in  
23 terrorist plots that are targeting the United States as well  
24 as the Guyanese interests in the same national security  
25 interests down there.

1           The point I would make to add to what your Honor has  
2 already alluded to in the embassy terrorist bombings case, the  
3 court addressed a very similar search, the search of a home, a  
4 search pursuant to a warrant. In fact, in that case, the  
5 warrant listed stolen property as the subject of the warrant.

6           This listed firearms, explosives and ammunition,  
7 explosives of which Ms. Whalen just alluded to, the defendant  
8 was clearly pursuing. It did have a basis in the complaint  
9 which had been publicly filed; that is, they were pursuing  
10 explosives and perfectly legitimate for the government of  
11 Guyana and a government anywhere to have a legitimate  
12 government interest in figuring out whether indeed there were  
13 explosives at large within their community.

14           The point from the case law with respect to the  
15 specific idea if it says the wrong thing in the warrant that  
16 somehow that undermines the legitimate government interest or  
17 expands the intrusion. It was rejected by the circuit. The  
18 Kenyan warrant listed stolen property when in that case the  
19 Kenyan government and the United States Government, as I read  
20 the case, were not looking for stolen property at all,  
21 essentially a subterfuge, intentional subterfuge so they could  
22 go in, pursue their real interests, Mr. El-Hage's activities  
23 associated with Al Queda. The argument on the warrant would  
24 somehow undermine the legitimate government interest has been  
25 rejected by the circuit. As set forth in the government's

1 brief, many of the same issues, or I should say facts relied  
2 on by the court in saying the intrusion wasn't overly broad,  
3 was outweighed by the legitimate government interests are  
4 exactly in place here in this case. A warrant was executed as  
5 was in the El Hage case, executed in the presence of a family  
6 member in the El Hage case, in this case a close friend of the  
7 defendant's, executed, an inventory was left of whatever was  
8 taken. The same basic legitimate government interests are in  
9 place, interests in protecting national securities of the  
10 various countries involved.

11 I want to back up, Ms. Whalen said the United States  
12 knew he didn't have explosives. In any case like this, the  
13 government, any government is concerned about what it might  
14 not know; that is, these individuals were engaged in a pursuit  
15 of explosives and other materials which might allow them to  
16 make their attack a reality. There's never certainty in these  
17 cases. Again, it doesn't undermine the legitimate  
18 governmental interest of pursuing the evidence and  
19 instrumentalities of this type of terrorist act.

20 THE COURT: At that point in time, what exactly was  
21 the interest of the United States Government, at this  
22 particular stage of the investigation?

23 MR. MILLER: When the warrant was executed, as I  
24 understand it, the United States had notified the Guyanese  
25 government of the existence of the case and had notified the

1 Guyanese government of the complaint and the charges involved  
2 in the case. The Guyanese government then made its judgment  
3 without request from the United States to execute this search.  
4 At that point there was no mutual legal assistance treaty in  
5 place between Guyana and the United States.

6 As I said earlier, when agents of the FBI and the  
7 JTTF traveled down to Guyana, they were presented with the  
8 fruits of the search. So, saying exactly what the  
9 government's interest in a search that wasn't requested by the  
10 government is a little difficult, but had the government of  
11 the United States requested the search, assuming for the most  
12 there was a joint venture or that the Guyanese government was  
13 acting as agents of the United States Government, the  
14 legitimate governmental interests of the United States was  
15 protecting national security.

16 Here's an individual who would with probable cause  
17 has been provided and upheld by -- that is, signed and  
18 authorized by a magistrate judge in this courthouse, probable  
19 cause to believe he was engaged in a conspiracy to engage in a  
20 specific attack on JFK International Airport here in New York.  
21 The United States had a legitimate governmental interest in  
22 finding out everything there was to know abroad about that  
23 potential terrorist attack, to ensure we did know everything  
24 there was to know about it.

25 Just as in the terrorist bombings case, to use that



1 term, the embassy bombings case we've been discussing, in that  
2 case as well the government had an interest in learning what  
3 there was to know in that case a bigger organization,  
4 Al Queda, its efforts to engage in terrorist attacks in the  
5 United States, just as in this cases the United States  
6 Government had a legitimate governmental interest in figuring  
7 out what was going on with respect to this particularized  
8 conspiracy.

9 I think the terrorist bombings case is a perfect  
10 situation, sets forth legitimate governmental interests, find  
11 it paramount and important, especially when compared to the  
12 type of intrusion that was involved. Again, as I've  
13 described, the actions of the Guyanese government here track,  
14 in fact many ways less onerous than the actions of the Kenyan  
15 government accompanied by the U.S. Government agents in the  
16 search at issue in the embassy bombings case.

17 THE COURT: Do you wish to reply at all?

18 MR. MILLER: I would add Ms. Berger needs to go to  
19 another court appearance. She has to step out for 15 minutes.

20 MS. WHALEN: We're all in agreement as to what the  
21 applicable standard is, what the balancing test is. I think I  
22 would argue to the court more facts need to be alleged --

23 THE COURT: In terms of what, what additional facts  
24 need to be alleged and I guess as a follow-up question to  
25 that, are they facts that can be resolved by way of submission

1 of a declaration or incorporating it into the hearing that  
2 we've already scheduled?

3 MS. WHALEN: I think a declaration would be  
4 sufficient, simply to set forth what Mr. Miller had said here,  
5 that this wasn't included in the original affidavit. I don't  
6 know whether the declaration would come from Agent Addonizio,  
7 but were those facts to be alleged, the court would have  
8 enough information to perform the balancing test, make a  
9 decision. I think we're all in agreement about that.

10 MR. MILLER: I'm not sure -- with respect to the  
11 balancing test we're talking about, that balancing test is a  
12 reasonableness test under the Fourth Amendment. I don't think  
13 there are any facts that need to be alleged or added to that  
14 balancing test. The only facts I understand that I've  
15 clarified would be facts relating to some agency relationship  
16 or lack thereof with the Guyanese government, but with respect  
17 to the reasonableness analysis under the terrorist bombings  
18 case, under the Fourth Amendment, that assumes the agency  
19 relationship. I think as we've discussed, as the government  
20 sets forth in its papers, this case is less severe or  
21 equivalently severe intrusion as in the embassy bombing case  
22 and identical, legitimate governmental interests, which  
23 overrides that intrusion. I'm not sure what facts I'm adding  
24 to that.

25 If the question is, if the court wishes some further

1 facts on the issue of agency, then I don't deem it necessary  
2 based on both the embassy bombings case analysis under the  
3 Fourth Amendment as well as the reasonableness of the agent's  
4 reliance upon the Guyanese law enforcement's representation  
5 that this was done lawfully in Guyana, but if your Honor  
6 wishes to have it on the agency issue, we would be happy to  
7 provide it.

8 MS. WHALEN: I misspoke. I understand it's a  
9 two-part test, first the court has to decide if there was an  
10 agency relationship and only if there's an agency relationship  
11 would you move on. My argument would be Mr. Miller has made a  
12 number of statements denying any kind of agency relationship.  
13 I think those facts should be put in an affidavit. What I  
14 meant to say, the court can make a decision whether to move  
15 on.

16 THE COURT: For completeness of the analysis, I  
17 think that would be appropriate. You can submit a declaration  
18 from the appropriate agent or agents that were involved.  
19 Given that United States courts have no authority to issue  
20 warrants in foreign jurisdictions, we can all agree with that.  
21 What procedures do you suggest the government should have  
22 followed here? What remedies should there have been given the  
23 fault that defense finds with the process? Forgive me if I'm  
24 not stating the question artfully. Given the deficiencies  
25 cited by the defense in terms of the search warrant affidavit

1 and so on, especially given the representation that has been  
2 made by the government that they had no input in the drafting  
3 of any search warrant, certainly not perhaps they would have  
4 been invited to make any necessarily.

5 MS. WHALEN: I would ask for the standards remedy  
6 under the Fourth Amendment, that it would be exclusion and to  
7 such a degree as the court found consistent with the faulted  
8 or intrusion if the court made such a finding.

9 MR. MILLER: This is where the Leon good faith  
10 exception is so important in cases of this nature where a  
11 foreign government is advising FBI agents abroad that they're  
12 acting lawfully under their law. To set up a scenario where  
13 the government of the United States risks suppression of  
14 important evidence gathered abroad if FBI agents in Guyana  
15 don't engage in law library analysis of Guyanese law to try to  
16 determine whether the warrant had been obtained by Guyanese  
17 law enforcement actually comports with Guyanese law, it's an  
18 absurd standard, unworkable standard.

19 THE COURT: It seems to me that's the reason why  
20 the circuit came to the conclusion that these foreign  
21 searches, whether it's of an American citizen or as they  
22 relate to American citizens because otherwise we get into the  
23 Verdugo issues, but really fall outside of the warrant  
24 requirement because of all the issues that were really pointed  
25 out in the decision in Embassy-2. All of the factors that go

1 into the historical basis for requiring a warrant to be issued  
2 before a search can be made particularly of someone's home are  
3 really absent when you're dealing with a foreign government  
4 that really has no interest in applying American principles to  
5 property that is within the confines of their country.

6 In footnote nine of Embassy-2, the court says, and I  
7 quoted "Because we conclude the warrant clause has no extra  
8 territorial application, we need not reach the questions of  
9 whether the searches at issue meet the good faith exception to  
10 the exclusionary rule."

11 So, they declined to even engage in that analysis  
12 and they also declined to adopt the reasoning of the district  
13 judge indicating the searches were permissible because the  
14 United States was not looking for evidence to use at trial,  
15 but only seeking, the primary purpose of the search was  
16 foreign intelligence collection. The Second Circuit declined  
17 to distinguish between the purpose of gathering evidence for  
18 use at trial versus simply gathering information.

19 Certainly, the deterrence factor which is inherent  
20 in the Fourth Amendment seems to be missing particularly  
21 where, as here, you have a foreign government saying we  
22 followed our procedures under our law. We assure you they  
23 were followed to the letter of that law. These search  
24 warrants were properly executed. Here's the stuff that we  
25 got. Certainly all the cases addressing these warrant

1 searches come to the same agreement that you can't really  
2 expect agents to be conversant in the fine nuances or even the  
3 general nuances of foreign law. It's exacting a standard that  
4 is not certainly reached, could be reached by any of the  
5 agents. I don't think there was a question there unless you  
6 want to comment about that.

7 I did want to discuss very briefly the issue about  
8 the search warrant and the Brooklyn apartment. This question  
9 is, Mr. Miller, to you. Why did the agents wait so long after  
10 Mr. Defreitas's arrest to search the apartment? It was over  
11 six months later.

12 MR. MILLER: The answer is there was a feeling  
13 initially that there was a lot of work to do and pressing  
14 matters to take care of and that this apartment was under lock  
15 and key, wasn't going anywhere. Then it was a matter of  
16 oversight for a period of months. In other words, right at  
17 the beginning, as we discussed, agents were traveling to  
18 Guyana, to Trinidad, were engaging a number of different  
19 efforts which were time sensitive, not frozen in time  
20 effectively as was this apartment. The apartment also was  
21 provided to the FBI and the JTTF by the city so that there  
22 wasn't an individual landlord asking the FBI to return the  
23 apartment at that time.

24 What precipitated the search was the city said to  
25 the FBI and JTTF, we need you to clear out of there and while

1 arguably the FBI could have simply taken all the items,  
2 inventoried them as is their policy and provided a list to  
3 defense counsel of the items and then as a matter of plain  
4 view and notice to whatever evidentiary basis there was to  
5 take possession of the materials that were evidentiary in  
6 nature, but rather than simply rely on that inventory, a  
7 search warrant was obtained out of abundance of caution.

8           What we have here is the FBI and the JTTF taking  
9 possession of those items at the time it became necessary to  
10 take possession of the items and then going to the step of  
11 getting a warrant to ensure taking possession of things of  
12 evidentiary value was signed off on from the court.

13           THE COURT: How do you respond to the defense  
14 argument besides the staleness issue there is no way to ensure  
15 that others didn't have access to the apartment? In other  
16 words, the integrity. What assurances are there the integrity  
17 of the interior of the apartment was not breached in any way  
18 by anyone else who may have had access to the apartment?

19           MR. MILLER: It was the FBI's having possession of  
20 the apartment, they had the keys to the apartment and it seems  
21 to me all the other possibilities that are speculative in  
22 nature; that is, no one had rightful access to that apartment  
23 other than the FBI and the JTTF. While we could speculate, it  
24 also could have been broken into by a burglar. All those  
25 things seem to fall into the category of speculation and

1 possibly arguments of certain weight of the evidence. There's  
2 been no suggestion any of that actually happened, that any of  
3 the materials involved were not Mr. Defreitas's or not the  
4 defendants. It's hypothetical, possible, someone could have  
5 gone in there, made an extra set of keys, but all seems  
6 hypothetical in nature.

7           As I said before, I think underlying all this is  
8 that the FBI and JTTF had possession of the apartment. It was  
9 loaned to Mr. Defreitas through the informant, but when it  
10 came time for the FBI and JTTF to vacate the apartment, pass  
11 its control back to the owner of the apartment, the city, the  
12 FBI and JTTF had responsibility to take all those documents  
13 and items anyway.

14           So, the warrant was an effort to ensure all legal  
15 hurdles were cleared; that is, sort of belt and suspenders to  
16 ensure a court had signed off on the taking of those items,  
17 but ultimately if a warrant had been rejected or if the court  
18 were to determine the warrant of for some reason was defective  
19 for staleness, perhaps, although for the reasons set forth in  
20 the government's brief, I don't think those hold given the  
21 JTTF controlled the keys and access to the apartment, I think,  
22 again, all of this would be admissible and rightfully in the  
23 government's possession under combination of inevitable  
24 discovery and the inventory requirement.

25           THE COURT: Do you wish to respond?



1 MS. WHALEN: I guess the way I view it is that the  
2 government, who gave this apartment to Mr. Defreitas, whether  
3 or not in fact it belongs to New York City, I think that does  
4 make the warrant requirement a necessity. Thinking on it now,  
5 the government may be right in that it may turn out to be more  
6 of a chain of custody issue in that while the government is  
7 saying only the FBI had access to the apartment, upon  
8 information and belief the keys were given to Mr. Defreitas by  
9 the informant, so there's an issue of whether the informant  
10 had an opportunity to make a copy of the keys, but more  
11 importantly, it would be the issue of whether New York City  
12 continued to keep a copy of the keys or whether there were  
13 fresh keys made or fresh locks made for the apartment when the  
14 FBI took it over. In effect it may be more of an issue of  
15 admissibility and chain of custody.

16 THE COURT: Chain of custody goes to weight as  
17 opposed to admissibility.

18 MS. WHALEN: I understand. I'm thinking this  
19 through now that it's been presented. The issue for us in  
20 terms of the warrant, I think clearly would be staleness. We  
21 had sort of argued about the maintenance of the keys, who had  
22 access in furthering our argument about staleness. I think  
23 our staleness argument still holds and the issue of who would  
24 have had access to the apartment or to the keys, if anyone,  
25 still holds. I'm not making a hypothetical argument that

1 clearly someone could have broken into the apartment, there  
2 were people who could have had access, but what I'm saying in  
3 terms of an institutional thing, if the government is claiming  
4 the apartment belongs to New York City, clearly would believe  
5 New York City would have some kind of access to the apartment.  
6 Their lack of access, I think, would have to be established in  
7 order to determine the warrant was not stale. I think the  
8 informant, there would have to be --

9 THE COURT: The government has already alleged only  
10 the FBI had the keys and access and if the city was asking the  
11 FBI to vacate, it sort of seems you can infer from that, it's  
12 logical to infer whoever it was from the city did not  
13 themselves have access to the apartment.

14 MS. WHALEN: Now that I'm seeing it, sort of  
15 thinking it through, I realize it may be more a chain of  
16 custody issue rather than a warrant issue.

17 MR. MILLER: My understanding, as any kind of  
18 landlord would, the city maintained the possibility that in an  
19 emergency they would need to go into the apartment. I don't  
20 want to misstate things. My understanding, just as in any  
21 landlord-tenant situation, if there was a fire in the  
22 apartment, the city is not going to say we can't go in there  
23 or burglar in the apartment or something along those lines.  
24 My understanding the agents spoke to members of the city, he  
25 had no record of anybody ever doing such a thing, but I want

1 to be clear about that.

2 THE COURT: Mr. Hueston or Ms. Dolan, I don't know  
3 who wants to address the court with respect to your client's  
4 motions.

5 MR. HUESTON: Ms. Dolan will be handling a majority  
6 of the motions, a Crawford issue, should be dealing with that  
7 issue.

8 THE COURT: Actually, that Crawford-Bruton issue  
9 has been raised, I believe, by all the defendants including  
10 Mr. Defreitas.

11 MS. WHALEN: We did not formally raise it. I  
12 understood the government was going to be providing us with  
13 Brutonized statements, then we were going to raise it if need  
14 be. I didn't raise it initially.

15 THE COURT: I actually did have -- withdrawn.

16 I find it more useful in addressing these Bruton  
17 issues if the court may ask for supplemental briefing, perhaps  
18 later on, from counsel who have raised the issue. I think in  
19 order for the court to be able to make a determination as to  
20 whether if there is a redaction or some kind of neutralizing  
21 of the references to the codefendants or Brutonizing, as the  
22 term has been used by the parties in their motions, if the  
23 government provides to counsel and to the court the original  
24 statement and the proposed redaction or Brutonized statement  
25 for sake of just cutting to the chase on it because it's hard

1 for me in a vacuum -- I could certainly look at the  
2 statements, perhaps if we substitute the person here, imagine,  
3 or individual there or whatever, but until you actually have  
4 the statements Brutonized themselves to compare against the  
5 actual statement, we're talking in the hypothetical and it's a  
6 little difficult to say you know what, there's absolutely no  
7 way that you can neutralize this statement to avoid a Crawford  
8 issue in the case.

9 So, I do want to hear the parties on the issue  
10 today, but I think we'll set a date for the government to  
11 provide that to the court and for any additional briefing by  
12 the parties with respect to that so that we have an ample  
13 opportunity to address that point.

14 Ms. Dolan?

15 MS. DOLAN: As we argued in our reply brief in  
16 response to the government's discussion of Bruton, it's our  
17 position Brutonization does not cure the Crawford problem here  
18 and cannot cure the Crawford problem. The reason for that is  
19 because the codefendant statements intertwine so inextricably  
20 with the nature of the charges and with the evidence that we  
21 anticipate the government is going to introduce in its case in  
22 chief based on those charges as well as based on the material  
23 in the complaint and we've set forth the various instances in  
24 which that occurs.

25 I don't want to go into that too much today unless

1 your Honor would like to hear more about that, or whether the  
2 court would prefer to wait until the Brutonized statements are  
3 before us so we could have a discussion then.

4 THE COURT: I think it probably makes more sense.  
5 I really sat there looking at the arguments, looking at the  
6 statements. As I understand it, unless there are other  
7 statements out there, these are basically the statements, the  
8 affidavits that were made by the defendants in the extradition  
9 proceedings in Trinidad, correct?

10 MS. DOLAN: Yes, your Honor.

11 THE COURT: Those were rather sort of narrative  
12 sort of stream of consciousness types of statements as I see  
13 it that were very specific in terms of the activities that  
14 were described or the actions that were taken by the different  
15 actors as it was described in those statements. I think  
16 that's true for all of the defendants, in fact. They were  
17 somewhat similar in terms of the structure that they took.

18 Let me hear from the government in terms of what  
19 Ms. Dolan has raised.

20 MR. MILLER: I would add we also would intend to  
21 introduce Mr. Defreitas's statements which were oral  
22 statements as opposed to written statements. That will be a  
23 slightly different Brutonization process. Up until this point  
24 we had provided each defendant's oral statements solely to  
25 that defendant. We'll circulate the oral statements to all

1 parties and propose a Brutonization of those statements. I  
2 think what we'll do today or tomorrow or Monday, I should say,  
3 turn over the statements in their original form and then we'll  
4 provide the Brutonized versions of them according to your  
5 Honor's schedule. I want to put that on your Honor's radar  
6 screen. In addition to the extradition statements, there's,  
7 at least with respect to Mr. Defreitas, an oral statement we  
8 intend to admit as well.

9           Coming back to the argument, I want to put one more  
10 case on the record that came to my attention after reading  
11 Mr. Ibrahim's brief; that is, the first part of the terrorist  
12 bombings case, 552 F.3d 93. In that case the defendant  
13 El-Hage argued the 34 page oral statement admitted against  
14 Mr. Odeh at the trial caused Crawford and Bruton problems.  
15 The circuit rejected that. Particularly they relied on the  
16 fact that Judge Sand at the trial instructed the jury that  
17 each defendant's post-arrest or other statements could only be  
18 used against that defendant and could not be used, for  
19 example, as in some of the other cases cited, to prove the  
20 existence of the conspiracy, one of the elements against all  
21 defendants. He took the approach that is now the one that's  
22 standard within the circuit; that is, an instruction to the  
23 jury each defendant's statements are only being admitted  
24 against that defendant and can only be considered by you, the  
25 jury, against that defendant. He gave that instruction and

1 the court said that alleviated any Crawford or Bruton problems  
2 when the statement was Brutonized against Mr. El-Hage.

3 That case, that's 552 F.3d 93 at 136, there's also  
4 some discussion in footnote 36, I think is directly on point  
5 and we would have provided in sort of a sur-reply brief had we  
6 considered one appropriate.

7 THE COURT: Do you wish to address that, Ms. Dolan?  
8 I'm sorry to interrupt you. I know the argument has been made  
9 with respect to the Crawford issue that limiting instructions  
10 by the court have also been found insufficient in certain  
11 circumstances to alleviate the issue.

12 MS. DOLAN: In that regard I would sort of point a  
13 little bit more in the direction of Berger, 502 F.3d 122. We  
14 do cite this, but I think Berger is probably more appropriate  
15 on that point.

16 The circuit dealt with that inquiry, basically one  
17 of the main problems in that case was that the codefendant's  
18 allocutions were particularly detailed, far-reaching. That  
19 was the reason the Second Circuit held the error was not  
20 harmless.

21 MR. MILLER: The only point I would make in Berger  
22 as opposed to in the terrorist bombings case, in Berger the  
23 court did instruct the jury it could consider the plea  
24 allocutions in that case as proof that a conspiracy existed  
25 which was proof against the defendant who was appealing. In

1 other words, they didn't get the same instruction that Judge  
2 Sand gave in the terrorist bombings case where Judge Sand said  
3 you can't consider this against any defendant in any way. In  
4 the Berger case they clearly said you could consider this  
5 against all defendants on element one, the existence of the  
6 conspiracy.

7 That's a critical difference for Crawford purposes.  
8 That creates possible prejudice whereas assuming the jury  
9 followed the limiting instruction which is the general  
10 presumption, when you give an instruction like the one given  
11 by Judge Sand, there is no Crawford problem because the jury  
12 is instructed not to apply that piece of evidence against the  
13 other defendants.

14 THE COURT: With respect to some of the cases that  
15 were cited by the defense, Becker and Riggi and Santos, it  
16 seems to me in looking at those cases, which I think all of  
17 them involved plea allocutions, there was a dual problem  
18 there. That was that not only did the court instruct the jury  
19 that they could use the statements not only against the  
20 defendant offering proof of the conspiracy, but also the  
21 government relied very extensively on those statements to  
22 prove their case. Riggi, especially where there were eight  
23 different plea allocutions of codefendants that were  
24 introduced into evidence and there was a substantial reliance  
25 by the prosecutor in referring to them, I suppose, perhaps,



1 critical to what may be also relevant to the court's inquiry  
2 is to what extent the government has other proof independent  
3 of the statements of the conspiracy such that it would not be  
4 likely that a jury would be relying solely on these  
5 statements, whether they were Brutonized or not, on the issue  
6 of the guilt of the defendant.

7 MR. MILLER: As set forth in the complaint, the  
8 primary evidence will be tape recorded or audio recorded, I  
9 should say, conversations during which the government believes  
10 the conspiracy is essentially caught on tape in addition to  
11 testimony from the cooperating witness and others as to  
12 involvement of each of the defendant. Because of the  
13 instruction your Honor would give, if that's the sole evidence  
14 on some point, your Honor would Rule 29 the case because there  
15 would be no evidence unlike as in Becker, Riggi, in cases like  
16 that, at the time in the circuit the law was plea allocutions  
17 because they were made under oath in court were sufficiently  
18 reliable and had sufficient indicia of reliability they could  
19 be offered to prove the existence of a conspiracy. That was  
20 the law at the time.

21 That's not the law now. We would ask your Honor for  
22 the same type of instruction used in the circuit in the  
23 terrorist bombing case by Judge Sand. Under the instruction,  
24 the new law on out-of-court statements by codefendants, your  
25 Honor would Rule 29 the case if that was the sole evidence on

1 any particular element.

2 THE COURT: Ms. Dolan?

3 MS. DOLAN: I have a few different things to say.  
4 What I think we can anticipate is that the government's  
5 reliance on the statements, whether explicit or implicit will  
6 necessarily be particularly or far-reaching for all the  
7 reasons I've already mentioned, all the reasons we already set  
8 forth in our briefing. I think it's particularly important in  
9 that regard to point out the complaint's reference to the  
10 Jamatt al Muslimeen in Trinidad of which the government  
11 alleges a shady organization, which is the best way to  
12 characterize it and because the statements intertwine with  
13 those allegations in the complaint, I think it's necessary to  
14 anticipate that they will intertwine with the proof at trial.  
15 That way, belatedly they would also necessarily bolster any  
16 cooperating witness' testimony as to those issues which I  
17 think we can anticipate, again, based on the charges and the  
18 statements in the complaint and finally, even assuming the  
19 statements did not intertwine to that degree, that type of  
20 limiting instruction, I think in this case, would require the  
21 jury to perform the type of mental acrobatics that are  
22 essentially Olympian. I just don't think it would be possible  
23 to craft a jury instruction that would adequately cure any  
24 problems arising from the degree to which the statements  
25 intertwine with the allegations.

1 THE COURT: Do any of the other defendants who have  
2 raised the same Bruton issue wish to add anything to the  
3 arguments that have been made by Ms. Dolan?

4 (No response).

5 THE COURT: On behalf of Mr. Kadir?

6 MR. NKRUHAH: No, your Honor. I believe Ms. Dolan  
7 touched on most of the issues. I would like to add about  
8 today about being informed about the statements of  
9 codefendants, the opportunity to look over those. Again, we  
10 believe those statements are going to be used in the  
11 government's proof of the case, the allegations in the  
12 complaint, we don't believe Brutonizing would adequately cure  
13 the statements made.

14 THE COURT: Mr. Sam, you wish to address anything  
15 further?

16 MR. SAM: No, Judge. Briefly, we adopt the items  
17 made by Ms. Dolan, the same arguments.

18 THE COURT: What I would like to do at this moment  
19 while we're dealing with this, if the government has indicated  
20 by Monday you can provide the oral statements to all counsel?

21 MR. MILLER: Yes, your Honor.

22 THE COURT: That would be by February 22nd.

23 MR. MILLER: Yes.

24 THE COURT: In their current original form.

25 MS. WHALEN: Those are the statements that are

1 going to be the subject of the hearing so if we have a  
2 hearing, we wouldn't have to send this out to everybody.

3 MR. MILLER: I suppose that's true.

4 THE COURT: I suppose that's true --

5 MS. WHALEN: I have no objection to cocounsel  
6 seeing them in advance of the hearing.

7 MR. MILLER: We had previously alluded in our  
8 discovery letter to the existence of these statements. We  
9 generally try not to pass the statements around other than for  
10 Bruton issues, they're technically, the rules don't require  
11 production to other counsel other than to precipitate a  
12 motion. That's why we do that. We now reach a point we have  
13 to. I appreciate Ms. Whalen's consideration in saying now  
14 would be an appropriate time to produce those.

15 THE COURT: I would like to, just because we're  
16 working with such a tight schedule, given everything that has  
17 to be done to get the case in a trial-ready form as much as I  
18 hate to create extra work for attorneys that are already hard  
19 working enough. I think it's probably best just to do that.

20 When can the government provide their proposed  
21 Brutonized statement?

22 MR. MILLER: Perhaps we could say two weeks from  
23 Monday.

24 THE COURT: That would be March 8th. Provide a copy  
25 to the court, please, as well so I can start looking at them.

1 MR. MILLER: Would you like a copy of the  
2 statements on Monday or just the Brutonized version?

3 THE COURT: What I would like is the original  
4 statement that you're proposing, whatever the original  
5 statement is, including the oral statements and the Brutonized  
6 statements.

7 MR. MILLER: Both of you on March 8th?

8 THE COURT: Both on March 8th, you could submit  
9 that to me on March 8th.

10 What about any additional motions with respect to  
11 those statements? Is one week sufficient?

12 MS. WHALEN: That would be fine.

13 MR. HUESTON: Two weeks?

14 THE COURT: You need two weeks?

15 MS. WHALEN: I forgot I'm on trial the week of the  
16 15th so if we could also have two weeks.

17 THE COURT: Are you going to be available for the  
18 hearing?

19 MS. WHALEN: Yes, on the 23rd.

20 THE COURT: That would be 3-22 for defendants'  
21 motions and for the government to reply.

22 MR. MILLER: A week would be fine.

23 THE COURT: 3-29, a week for reply?

24 MS. WHALEN: Yes, your Honor.

25 THE COURT: That would then bring us to April 5th,

1 I believe, correct me if I'm wrong -- I think all the  
2 defendants joined with the request for 404(b) evidence. At  
3 what point -- I understand the government's concerns with  
4 respect to perhaps some disclosure of that. At what point --

5 MR. MILLER: 404(b)?

6 THE COURT: Yes, 404(b) notice. I'm assuming for  
7 Brady and Giglio disclosures, those are being made on a  
8 rolling basis as the government becomes aware, given your  
9 continuing duty?

10 MR. MILLER: That's true --

11 THE COURT: With respect to disclose.

12 MR. MILLER: Certainly true with respect to Brady  
13 exculpatory material. Depending on the type of Brady  
14 impeachment material and the witness involved, we take the  
15 view, for example, rap sheets, things like that, we tend to  
16 turn over at a later point in our Giglio disclosures. The  
17 circuit has approved that practice as long as sufficient time  
18 is provided to defense counsel to develop that material as  
19 they need to.

20 With respect to Brady material, certainly Brady  
21 exculpatory material we're handing that over on a rolling  
22 basis. Giglio material, our general practice is most of that  
23 material we would turn over around the time we turn over 3500  
24 material. In a case like that, it would be a few weeks in  
25 advance of trial with the exception, as we discussed earlier,

1 of setting up an earlier disclosure of any classified 3500  
2 material.

3 THE COURT: What about the 404(b) motions?

4 MR. MILLER: We thought we would turn that over  
5 about six weeks before trial, around the beginning of May if  
6 that comports with the court's schedule, and defense counsel  
7 schedule. It certainly seems to comport with the law.

8 MR. NOBEL: Just to address one point Mr. Miller  
9 makes, on the 3500 material because of the international  
10 component here, I would suggest somewhat earlier by several  
11 weeks release of 3500 material. Certainly any material that  
12 refers to aspects of the investigation that took place either  
13 in Guyana or Trinidad or some other foreign jurisdiction  
14 should be turned over at an earlier point than might be  
15 warranted than purely domestic information.

16 MR. MILLER: We could turn over materials for  
17 individuals who are abroad at an early stage, perhaps the same  
18 time, the beginning of May, turn over materials for any  
19 individuals in the United States on a regular schedule of a  
20 case of this nature, perhaps somewhere in the neighborhood of  
21 three to four weeks in advance of trial.

22 THE COURT: That sounds reasonable. Shall we say,  
23 when you say the beginning of May, May 3rd is the first Monday  
24 in May. That would be for the government to turn over 3500  
25 material, as you stated, for any witnesses that might be

1 outside the country?

2 MR. MILLER: Yes, your Honor, we'll do that for  
3 404(b) material, our notice for 404(b) and 3500 material for  
4 witnesses located abroad. On that note there had been some  
5 discussion about the point of the possibility of overseas  
6 depositions on the part of the defense; that is, the  
7 government intends to bring any foreign witnesses to the  
8 country to testify in court so no depositions would be needed,  
9 at least that we're aware of. I hadn't heard anything since.  
10 As your Honor pointed out, that takes a lot of time to set up.

11 THE COURT: I'm hoping that everyone is going to  
12 say none are going to be needed because, as I said at one of  
13 the earlier conferences, this is something you need more than  
14 six months in advance of trial to deal with based on my  
15 personal experience with this issue. It's rather nightmarish.

16 MR. NOBEL: That time frame applies to witnesses  
17 whom you need for foreign jurisdiction in order to compel  
18 testimony.

19 THE COURT: Correct, Rule 15 depositions.

20 MR. NOBEL: I anticipate we might either have the  
21 question the witnesses be transported here or they be heard  
22 abroad; that they would be willing witnesses, not require the  
23 intervention of the foreign jurisdiction. At most it would  
24 require arrangements for a stenographer.

25 At this point we anticipate those witnesses would be



1 willing to travel to the U.S.

2 MR. MILLER: We need their names and identifying  
3 information. They may or may not be willing to come to the  
4 United States. The United States Attorney's Office doesn't  
5 control their admissibility in the United States. I've had  
6 situations in the past where the Department of Homeland  
7 Security has denied the admissibility of potential defense  
8 witnesses. I mean to address that. Then you might be in a  
9 position of having to do some sort of deposition.

10 THE COURT: I agree with Mr. Miller that that  
11 information is going to have to be provided to the government.  
12 I was personally in other cases had encountered that situation  
13 where the potential witness may have, unbeknownst to counsel,  
14 some immigration issue from the past that might prevent that  
15 witness from being able to enter the United States. Witnesses  
16 also have a tendency of changing their minds about their  
17 willingness to give depositions once confronted with the  
18 prospect of a stenographer and an attorney or attorneys  
19 gathering to ask them questions.

20 In terms of any kind of letter requests for any of  
21 the foreign countries, in particular Guyana, for any of these  
22 Rule 15 depositions if the intervention of the government is  
23 necessary, I'm afraid the time has passed in order to do that  
24 because they do not have, based on my painful experience with  
25 this process, they do not have a procedure in place for

1 dealing with it. They are very, very painstaking in their  
2 requirements as far as what has to be submitted, but I  
3 certainly encourage -- I would suggest -- that counsel  
4 within the next two weeks make your decisions about these  
5 witnesses and provide the government with the information so  
6 that to the extent that you need the government's facilitation  
7 for these depositions, I assume these are depositions that the  
8 government is going to want to be a party to as well?

9 MR. MILLER: Certainly, your Honor.

10 THE COURT: I encourage you to have that done by  
11 March 5th.

12 MR. MILLER: In addition, given the nature of such  
13 a deposition, we've been requesting since the very first  
14 discovery letter reciprocal discovery. That would be  
15 appropriate under Rule 16. If we end up doing depositions,  
16 reciprocal 3500 material, we haven't received anything, that's  
17 fine. We need, if there's Rule 16 material, that relates to  
18 any of these witnesses, we need to get that or 3500 material,  
19 we need shortly before the witness does a deposition. I  
20 remind the court and defense counsel of that.

21 THE COURT: Depending on what the parties have  
22 decided, I'm hoping the parties are going to be able to  
23 resolve that without the court's intervention. So far  
24 everybody has been able to work fairly well together in that  
25 regard.

1           Unless there are other issues raised by Mr. Ibrahim  
2 and Mr. Nur?

3           MR. MILLER:   My memory with respect to Mr. Nur,  
4 there was an allegation the extradition affidavit he filed was  
5 obtained in violation of his Sixth Amendment.

6           MR. NOBEL:   Would you like me to address that now?

7           THE COURT:   I would like you to address that.

8           MR. NOBEL:   Your Honor, I would submit this is  
9 somewhat of a unique circumstance in the sense that the arrest  
10 of Mr. Nur in Trinidad was at the initiation of the United  
11 States Government upon a bench warrant. That bench warrant  
12 was issued after the filing certainly of a complaint and my  
13 recollection of the chronology is correct, also, the  
14 indictment. Certainly the complaint was issued prior to the  
15 arrest warrant.

16           Ms. Nur actually surrendered, self-surrendered, I  
17 believe, June 5th after the arrest warrant was issued in  
18 Trinidad on June 1st. All of this activity was initiated by  
19 the government in the United States, all of it postdates the  
20 initiation of criminal proceedings in this district. The  
21 Sixth Amendment right to counsel clearly vested as of the time  
22 of the filing of the accusatory instrument which I believe was  
23 on June 1st or shortly before that.

24           The government seems to rely on the fact Mr. Nur had  
25 a Trinidadian attorney. I'm sure his counsel is very

1 competent as to the extradition proceedings of Trinidad, but  
2 the issue before this court is whether or not a statement that  
3 was made during the proceedings in Trinidad passes Sixth  
4 Amendment muster. Just because an attorney had been appointed  
5 to Mr. Nur on an entirely different set of proceedings, entire  
6 different situation and there's no reason to believe that  
7 attorney was aware of, was thinking of or knew of the  
8 potential for any statement being made in Trinidad would have  
9 on the proceedings in the U.S.

10 THE COURT: The Embassy-3 case, which is the third  
11 case that was decided by the Second Circuit in this line which  
12 is at 552 F.3d 177, dealt with Fifth Amendment issues  
13 pertaining to that case. What the court made clear there is  
14 that the only time that the preclusion sanctions are involved  
15 where a defendant makes certain statements is where the  
16 defendant is compelled by the government.

17 There is some lengthy discussions in the opinion  
18 that if United States agents choose to interrogate foreign  
19 nationals that are held overseas and advise these foreign  
20 nationals of their Miranda rights, as we commonly refer to it,  
21 then, at that point, the Fifth Amendment applies. Here, there  
22 was no involvement by the government in eliciting the  
23 statements that were made by the defendants. This applies to  
24 all three defendants who were the subject of the extradition  
25 hearings in Trinidad and, in fact, they were represented by

1 counsel .

2 I looked very carefully at the extradition  
3 documents, Mr. Nobel , that you provided attached to the  
4 motions you provided on behalf of your client. What I gleaned  
5 from those documents, in particular the ruling of the tribunal  
6 that ruled on the habeas petitions that were filed by the  
7 defendants in Trinidad, was that there was an initial  
8 proceedings before a chief magistrate judge who then decided  
9 the defendants would be held over for extradition to the  
10 United States. Then the defendants, with the assistance of  
11 counsel , submitted these habeas petitions and the defendants  
12 chose, together with their attorneys, on the advice of  
13 counsel , to submit those statements. Nowhere is it alleged  
14 that the government in any way elicited or compelled those  
15 statements. They were voluntarily given by the defendants.  
16 The government had no kind of participation in interrogating  
17 them. That's what the Miranda cases really are about.

18 MR. NOBEL: I was mindful of the Miranda cases  
19 which is why I moved under the Sixth Amendment.

20 THE COURT: I understand that. Even in the  
21 terrorist bombing cases, which is why I referred to that,  
22 there was no Sixth Amendment violation there. The court  
23 noted, the Second Circuit noted the government did not need to  
24 advocate or in any way be responsible for providing United  
25 States counsel to foreign nationals who were being held in a

1 foreign country.

2 How do you distinguish that case from this  
3 situation?

4 MR. NOBEL: To say there was no police-initiated  
5 questioning, I think, is to overlook the circumstances in  
6 which Mr. Nur found himself after, not at least initiated --  
7 but the government initiated, procedures were initiated to  
8 extradite him here to the United States. To say there was no  
9 government initiation of the circumstances --

10 THE COURT: The government didn't compel those  
11 statements. The government didn't sit there and interrogate  
12 them, tell them you have to say this or you have to say that.

13 MR. NOBEL: The government compelled the  
14 circumstances where they had a choice, either to passively  
15 accept extradition to a jurisdiction that for understandable  
16 reasons Mr. Nur would view as hostile to his interests or to  
17 exercise his rights within the jurisdiction in which he was  
18 detained pending the proceedings of that jurisdiction that had  
19 been initiated by the government.

20 THE COURT: Could you show me a case, can you cite  
21 a case to me that says that the government has an obligation  
22 to ensure that a foreign national who is being extradited to  
23 the United States and wants to fight the extradition to the  
24 United States must ensure that counsel, United States counsel  
25 familiar with United States law must be provided to the

1 defendant; that the government has to ensure that  
2 United States counsel be provided to that foreign national?

3 MR. NOBEL: Taking the foreign national aspects of  
4 it out of the equation, I did cite cases stating Kirby, that  
5 the right to counsel vests, is created upon the initiation of  
6 criminal proceedings in this country. The government chose to  
7 initiate criminal proceedings, to use those criminal  
8 proceedings as a basis for extradition. This is not an  
9 onerous burden that would be placed on the government.

10 First of all, I'm not arguing the government, the  
11 United States Government was required to provide Trinidadian  
12 counsel for the Trinidadian proceeding. All I'm saying is  
13 that if the United States wants to use the sworn affidavits  
14 that are required in the Trinidadian proceedings, at least  
15 required in the sense you're going to try to make it  
16 meaningful in any sense of the word rather than just a pro  
17 forma proceeding, so all the United States would have to do is  
18 walk into court, appoint counsel and counsel would never have  
19 to go, probably even might not have to go to Trinidad --  
20 maybe he would. Who knows, under the individual  
21 circumstances? At that point in time he would merely be  
22 advising the defendant of the existence of the United States  
23 proceedings with his knowledge of what those entail and to  
24 review with local counsel what the consequences might be if  
25 any action that the local counsel takes in accordance with the

1 requirements of the local law as to the local proceeding.

2 That's not an onerous burden. In many cases it  
3 could be resolved in a couple of phone calls, but then for the  
4 government to sit back passively and to create a situation  
5 where those foreign proceedings are initiated and then not to  
6 take the most minimal step to provide either that counsel or  
7 the foreign national with the benefit of a counsel familiar  
8 with proceedings in this court after they've initiated  
9 proceedings in this court seems to me to tilt against the  
10 government.

11 Nobody says they have to provide a lawyer. The only  
12 loss they get is at the end they can't use the statements made  
13 in that proceeding they mandated by their actions from using  
14 those proceedings as a discovery tool in the United States  
15 proceedings where right to counsel is vested, but no United  
16 States counsel has been provided.

17 On one hand the government has all the ability and  
18 very minimal cost or burden to them to provide a defendant in  
19 Mr. Nur's situation, one with a pending United States case and  
20 pending proceedings in the jurisdiction in which he was  
21 arrested upon the request of the United States government, he  
22 has no ability to do anything. The United States Government  
23 with very little effort could see to it that those Sixth  
24 Amendment rights that is vested were honored. The only loss  
25 they suffer, they can't use an affidavit that was filed in the



1 local court in this case.

2 THE COURT: Mr. Miller?

3 MR. MILLER: The case law and under the Sixth  
4 Amendment is clear, deliberate solicitation of the statements  
5 involved by the government. There's case law. The government  
6 cited it, cited in the government's papers, I believe where  
7 the defendant was arrested on a provisional arrest warrant on  
8 indictment as in this case. The same Sixth Amendment  
9 attachment argument that Mr. Nobel is making was made in that  
10 case that the Sixth Amendment attached because he was under  
11 indictment. In that case Mr. Rommy, unlike this case, with  
12 advice of counsel he submitted an affidavit to a court on the  
13 advice of counsel. In that case he came without his lawyer, I  
14 believe, who was in Spain, his extradition lawyer, and met  
15 with the DEA agents, then volunteered a bunch of statements.  
16 The court said to the extent he volunteered them, to the  
17 extent the U.S. agents didn't push him with questions, that  
18 all those statements did not violate the Sixth Amendment  
19 because they were not deliberately elicited.

20 That case is far more government involvement than  
21 what we're talking about here where all the government did was  
22 comply with the extradition treaty by requesting a provisional  
23 arrest warrant, extradition request. There's papers the  
24 government was involved in more than that. The only  
25 involvement we had was request for extradition, responding to

1 the Trinidadian lawyers for the Trinidadian government who  
2 asked from time to time for affidavits on particular points of  
3 relevance to the Trinidadian court. There was no further  
4 involvement of the U.S. Government in the extradition  
5 litigation.

6 THE COURT: From what I saw from the discussion of  
7 the judge who denied the habeas petitions, cited specifically  
8 to two affidavits that were submitted by Mr. Knox, which  
9 frankly the government was under obligation to provide in  
10 response to the extradition proceedings, it seems to me the  
11 government would be remiss in not responding. The mere fact  
12 the government puts in a response and otherwise complies with  
13 its obligations as it's required to do to ensure the  
14 extradition of a person who is wanted to answer for crimes in  
15 the United States, does not seem to me to be the situation  
16 that was addressed in the Sixth Amendment or Miranda cases  
17 addressing the Sixth Amendment right to counsel. It seems  
18 very clear from both the Rommy case that was referred to by  
19 the government and also an extensive Fifth Amendment  
20 discussion involved in the Embassy-3 case from the  
21 Second Circuit. That the critical inquiry is whether the  
22 government was actually directly involved in compelling the  
23 statements to be made.

24 I found it actually quite interesting that the  
25 arguments that had given the tribunal the most pause in terms

1 of turning over the defendants to the United States weren't  
2 even the arguments that were raised by the defendants, but  
3 rather, were the amicus, raised in the amicus briefs filed  
4 from an Islamic organization, and there was another human  
5 rights organization that had submitted amicus briefs pointing  
6 out some current changes in the law in the United States in  
7 terms of dealing with terrorist cases, the use of military  
8 tribunals, suspension of the writ of habeas corpus, torture,  
9 and so on, incarceration at Guantanamo Bay, so on. Those seem  
10 to be the arguments, frankly, that gave that court some  
11 substantial pause. I'm sure no offense to Mr. Knox, but they  
12 did not, the court did not seem to be too persuaded by the  
13 representation of the U.S. Attorney's Office acting on behalf  
14 of the Attorney General of the United States assuring, by  
15 their assurances the defendants were going to be prosecuted in  
16 a court of law and given the benefits of all the  
17 constitutional protections that any defendant who is tried in  
18 a court of law would get in this country. It actually  
19 required a representation from a diplomatic authority, from  
20 the embassy, to convince them.

21           It seems to me whether or not those statements were  
22 actually necessary, they were made voluntarily by the  
23 defendants who were in fact represented by counsel in  
24 Trinidad.

25           I see nothing in the cases, none of the court's

1 research has revealed any cases that require the government to  
2 go out of their way to provide United States counsel in  
3 extradition proceedings.

4 Every defendant who is involved in an extradition  
5 proceedings finds themselves in the same situation, either  
6 consent to be extradited or fight it. At a minimum, you hope  
7 they are represented by local counsel. That's the same  
8 process that's followed here when another government seeks the  
9 extradition of someone from the United States.

10 Unless counsel can provide the court with some case  
11 law that imposes that sort of duty on the government, I'm not  
12 persuaded that the Sixth Amendment rights were violated here.

13 MR. NOBEL: Just two quick points. In the Rommy  
14 case, the defendant chose to go, to initiate contact beyond  
15 those circumstances that were compelled upon him by the  
16 actions of the United States Government. When he asked to  
17 talk to the agents in the foreign jail in the hope he might be  
18 able to work out some sort of an arrangement, certainly there  
19 that had nothing to do with the proceedings or any proceedings  
20 the United States had initiated other than the most  
21 theoretical sense, filing the arrest warrant or initiating an  
22 arrest.

23 In this situation, the government is seeking an  
24 advantage from the participation of the foreign national in  
25 those proceedings available to him to fight the extradition

1 that's sought by the United States Government.

2 My argument doesn't put the government at any  
3 disadvantage. It just merely doesn't accord to them a further  
4 advantage other than obtaining the person for whom they seek  
5 extradition which is, indeed, the goal of the extradition  
6 proceedings.

7 They're not only not seeking the person, they're  
8 seeking to gain evidence in the eventual trial from the  
9 extradition proceedings. I don't believe they should be  
10 accorded that additional advantage. I would submit this is a  
11 classic Sixth Amendment framework or paradigm in that the  
12 compulsion comes from the fact that the foreign national is  
13 seeking to contest extradition, which is his absolute right  
14 under the laws of a foreign jurisdiction.

15 MR. MILLER: I would just respond, the question  
16 here is whether the Sixth Amendment requires every time  
17 someone is arrested after an indictment they are then -- it's  
18 the government action in indicting them, obtaining an arrest  
19 warrant precipitates any statements made. We could easily  
20 have a system, perhaps Congress could create a system the  
21 moment there's an indictment, the court then assigns an  
22 attorney, so when the arrest happens in a case after  
23 indictment, there's an attorney present, it wouldn't cost the  
24 government anything, all the same arguments could be made.

25 That's not what the Sixth Amendment requires. It

1 says what the government can't do is interrogate, deliberately  
2 elicit these statements. The government didn't do that here  
3 just as in the context when there's an arrest warrant on  
4 indictment, the government goes to make an arrest,  
5 precipitated by that action, the defendant volunteers  
6 statements, perhaps trying to talk his way out of it as the  
7 Rommy case was, his goal was precipitated by indictment,  
8 subjected to extradition proceedings, hoping to figure a way  
9 out, judicial or extrajudicial.

10 When the defendant volunteers those statements --  
11 sorry, the Constitution doesn't bar the government from using  
12 those statements against him. That's the Constitution.  
13 Perhaps there could be a different regime created by Congress.

14 THE COURT: As to Mr. Kadir, last but not least.  
15 Ms. Messina?

16 MS. MESSINA: I'll address some of the issues,  
17 although I have a sense -- I'm arguing on a global kind of  
18 theoretical position. I do recognize the case of U.S. versus  
19 Verdugo, V E R D U G O-U R Q U I D E S, 494 U.S. 259, 1990,  
20 did change the whole landscape of this, apparently. Let me  
21 frame the issues.

22 We're talking about what rights does a person who is  
23 not a U.S. citizen or legal permanent resident have when  
24 stopped and searched in a foreign country? While Verdugo-  
25 Urquides seems to have a very particular positions on this,

1 almost means to strip the entire idea of the joint venture or  
2 virtual agencies doctrine that we already spoke of in relation  
3 to non-U.S. citizens, I would submit to you that courts are  
4 still struggling with this. I think this court should  
5 consider all the facts in this case before determining  
6 definitively the joint venture doctrine is moribund in  
7 regards to --

8 THE COURT: The Embassy-3 cases all at some point,  
9 each one of the three separate opinions at some point or  
10 another cited to the Verdugo case, we'll call it that to make  
11 it a little easier for all of us, cited the Verdugo case and  
12 seemed to cite to in a somewhat settled way that a foreign  
13 national who with does not have any substantial contacts with  
14 the United States, as apparently Mr. Kadir does not, he seems  
15 to fit into that category, does not have the protections under  
16 the Fourth Amendment extended to him in a foreign country.

17 MS. MESSINA: I agree with that, but my  
18 submission to you is two things. One, I --

19 THE COURT: Explain to me why this case falls  
20 outside of the ruling of Verdugo, which seems to be the  
21 circuit very clearly has been following, at least referencing  
22 and reiterated the principles. Certainly it seems to be the  
23 law that is being followed in this circuit and there's been no  
24 overruling of it.

25 MS. MESSINA: I agree with you, Judge. What I'm

1 asking you to do is consider a little more globally the issues  
2 here. I want to put this on the record, then I'll explain a  
3 secondary position which is that based on the intent of the  
4 exclusionary rule, and I think that's what we're talking about  
5 here, is that this very narrow reading of the Fourth Amendment  
6 and the article, the people, as opposed to people in the Fifth  
7 Amendment, the Sixth Amendment, the judges in Verdugo decided  
8 the people means only United States citizens or permanent  
9 residents. Justice Brennan had a real tough time.

10 No, the purpose of the exclusionary rule is to try  
11 and discourage illegal police conduct no matter what US police  
12 conduct, no matter where it may occur. I submit to you that  
13 this issue will come up again, perhaps in a different  
14 formation of the Supreme Court, but other courts, even  
15 post-Verdugo have chosen not to cite it, or maybe to leave out  
16 the fact that the defendant involved, they left out the fact  
17 of inability. Perhaps it is consistent. I found cases since  
18 Verdugo, although not in the circuit that dealt with this  
19 thorny issue when there's such an operation conducted by U.S.  
20 police where they're the puppeteers, is it fair to then say  
21 they have no mutual obligations or obligation to uphold the  
22 standards of U.S. police that would have been upheld in this  
23 country merely because they're effectuating a search in  
24 another country against a non-U.S. citizen. I pose that as a  
25 theoretical basis for the court's consideration although I



1 can't contest your view on Verdugo.

2 THE COURT: What you're asking me to do in essence  
3 is ignore Verdugo, ignore the fact that the Second Circuit in  
4 Embassy-1, 2 and 3 cited Verdugo as standing for the same  
5 proposition and, in fact, used it to cite some of the language  
6 with respect to policy implications that were raised by the  
7 Supreme Court in Verdugo on the basis there are some other  
8 circuits that are grappling with it.

9 I'm certainly not in a position as a district court  
10 to change Supreme Court law.

11 MS. MESSINA: I understand that, Judge. I have a  
12 fall-back position which I would like to explain, although I  
13 want to talk about Verdugo on the record. That is in Verdugo,  
14 and the court stating it must follow that, there's language  
15 that if this stuff is going to happen, the place to control  
16 what happens overseas by our law enforcement is through  
17 treaties and agreements or through the laws of those other  
18 countries. I think it compels us to look at the laws of those  
19 other countries, what treaties exactly we had or have with the  
20 two countries that are involved here, which are Trinidad and  
21 Guyana.

22 I submit in particular we've heard a lot of  
23 discussion today about there being valid warrants for various  
24 things. I submit we're taking some of this, we're assuming  
25 what the government in those countries told us is correct or

1 we're making assumptions without having actual treaties in  
2 front of us. I think in relation to the Trinidadian stop it's  
3 clear American authorities transmitted information to  
4 Trinidad, they call it a provision arrest warrant, on which  
5 they acted. It was a U.S. arrest warrant on which Trinidadian  
6 police acted to stop my client, pull him off a plane.

7           On what basis, what treaty did they have the right  
8 to do that? I think the people -- the government -- has  
9 obligation to produce that if we know that such a treaty  
10 exists, what basis were they able to just accept a provisional  
11 arrest warrant from the U.S. and act upon it?

12           THE COURT: In the first place, this was not an  
13 argument that was raised in your main brief. It just seems to  
14 have been raised as an afterthought.

15           In the second place, it seems to me, and I'll let  
16 the government respond in a minute, that there was a rather  
17 lengthy extensive proceeding, extradition proceeding in  
18 Trinidad. I have to say I was very much impressed with the  
19 exacting and very carefully thought out opinion that was  
20 written by the judge who overruled, who denied the petitions  
21 for habeas relief.

22           One of the first few things he set out was this is  
23 what is required to be proven or to be submitted with respect  
24 to an extraditions request. He went through it step by step,  
25 made a record of what was provided by the United States in

1 support of its extradition request.

2 MS. MESSINA: I'm not arguing the extradition.

3 THE COURT: Except it was based on an arrest and  
4 information provided by the United States. It certainly seems  
5 to me, given the fact that the defendants were represented by  
6 local counsel who presumably were familiar with the  
7 extradition and laws and treaties of Trinidad, and who  
8 certainly seemed to raise a number of different arguments, all  
9 of which were ad seriatim considered by the court. That judge  
10 not only just considered what was presented based on his own  
11 analysis but also engaged, as we would, as judges here in the  
12 United States, in very careful consideration of relevant case  
13 law such as they would rely on from the United Kingdom and  
14 from Canada.

15 It was a very lengthy decision and very detailed.  
16 It seemed to me that he did not miss a single point that was  
17 raised. In fact if, as I mentioned earlier, also raised the  
18 issues that were raised in the amicus briefs that were  
19 submitted on behalf of the defendants.

20 It also seems to me, given the serious concerns that  
21 were raised by the organizations that submitted amicus briefs  
22 with respect to the providing of due process to the defendants  
23 and protections of their rights, it seems to me even if the  
24 defendants' own lawyers did not pick up some deficiency in the  
25 process, that these other organizations certainly would have.

1           It seems to me there's already been a litigation  
2 about the extradition process, not only before one judge, the  
3 final judge who rendered the written opinion, but also before  
4 a chief magistrate judge who made the initial determination  
5 that the defendant's should be held over for extradition to  
6 the United States.

7           At this point I don't understand what is to be  
8 gained from relitigating whether or not the defendant's are  
9 properly before the court.

10           MS. MESSINA:       I'm bringing your attention to a  
11 much smaller moment in time, the actual seizure, the moment  
12 when my client was seized and the right of the Trinidadian  
13 police at that point to take his luggage, to search his  
14 luggage and then to hand it over to the U.S. Government,  
15 particularly one electronic device is what I would like to  
16 focus on, called a thumb drive. I think it's important to  
17 know when was that device searched and by whom?

18           The computer seized from my client's house was  
19 shipped back to the U.S., searched pursuant to a search  
20 warrant in the United States. The thumb drive, it's unclear,  
21 based on what authority it was searched if indeed it was  
22 searched pursuant to Trinidadian law. That's unclear if an  
23 additional law or warrant is required to such an electronic  
24 device.

25           I want to point out to you it wasn't a new issue

1 what I brought up in relation to this having to produce a  
2 treaty so we know on what basis if it was a legal or illegal  
3 stop. It's in my response on path four, my response --

4 THE COURT: It was a reply. That's what I mean.  
5 It wasn't made in your initial motion so that the government  
6 has not had an opportunity to reply. I'll give you an  
7 opportunity to reply.

8 MR. MILLER: There are four reasons we should not  
9 get to the issue whether arrests or searches complied with  
10 treaties. We obviously already talked about how Verdugo means  
11 there's no Fourth Amendment application to these searches or  
12 seizures. I'm not going to discuss that. It seems that  
13 would be time wasted.

14 The first reason we don't get into issues of whether  
15 these comply with treaties or not, the defendant lacks any  
16 standing to assert any violation of any treaty. It's been the  
17 law since 1884 a treaty is compact between independent  
18 nations, depends for the enforcement of its provisions on the  
19 governments which are parties to it. That's the case of Eddy  
20 versus Robertson, 112 U.S. 580 from 1884.

21 Basically that case goes on to say, unless the  
22 treaty itself expressly confers rights upon individuals, then  
23 the individuals have to rely on their governments to seek  
24 redress if there's some violation of the treaty. That case,  
25 that proposition has been cited repeatedly by the

1 Second Circuit including in United States ex rel Jan versus  
2 Gengler, 510 F.2d 62 from 1975.

3 In this case the relevant treatise is between the  
4 U.S. and Trinidad and Tobago do not confer rights on the  
5 citizens of those countries to seek redress under treaty  
6 violations except through the extradition process that it  
7 creates that your Honor pointed out the Trinidadian court  
8 exhaustively oversaw and administered proceedings to ensure it  
9 was followed. There's no standing.

10 The second reason is because the exclusionary rule  
11 doesn't apply to statutory or treaty violations unless the  
12 statute or treaty says they should; that is, the exclusionary  
13 rule, which as we all know is a disfavored remedy generally,  
14 is only applicable in extreme situations such as  
15 constitutional violations or where Congress has decided that  
16 the appropriate remedy -- it doesn't apply here because the  
17 treaties themselves don't provide for it. In particular, the  
18 mutual legal assistance treaty states in article one,  
19 paragraph four as follows. The provisions of this treaty  
20 shall not give rise to a right on the part of any private  
21 person to obtain, suppress or exclude any evidence.

22 The treaties themselves don't provide for  
23 suppression remedy. Courts have repeatedly applied this  
24 doctrine, that is, the doctrine that suppression is  
25 inappropriate remedy unless called for by the constitutional

1 violation or the statute or treaty itself. In the  
2 Second Circuit, in the Sixth Circuit, in most recently the  
3 Supreme Court applied the concept in rejecting argument that a  
4 violation of the Vienna Convention requiring consular  
5 notification and if that is not provided, suppressions would  
6 be the appropriate remedy.

7 The Supreme Court said it's not the appropriate  
8 remedy because the Vienna Convention doesn't require or  
9 authorize suppression as a remedy, Sanchez-Llamas versus  
10 Oregon, 548 U.S. 331, 2006.

11 The second reason -- the third reason, these are not  
12 mystery treaties. They're available to anybody, cited by the  
13 court in Trinidad. There's an extradition treaty, MLAT  
14 available online. If counsel or the defendant thinks there's  
15 a violation of the law, they need to assert such violation in  
16 a particularized manner just as you would in any other case.  
17 It's not the procedure in this court to say there's a  
18 constitution, the government should justify the arrest doesn't  
19 violate the Constitution. It's the duty of defense counsel to  
20 assert a particularized violation that would warrant  
21 suppression and then for the government to respond. That  
22 hasn't been done here. The failure to assert a particular  
23 violation renders the motions or the argument meritless.

24 Finally, as your Honor pointed out, there was an  
25 opportunity to litigate the extradition. Frankly the

1 underlying arrests also before the Trinidadian court. It's  
2 not appropriate at this point to relitigate relitigation the  
3 extradition or underlying arrest. Under Ker-Frisbie which  
4 basically says the manner in which the defendant was brought  
5 to the United States doesn't affect the court's power to  
6 proceed in the case. Again, the Lujohn (ph) case I mentioned  
7 earlier goes through that case law.

8 For all those reasons, there's really no need for  
9 the court to engage itself in an analysis whether the arrests  
10 or the seizures complied with the treaties. All that being  
11 said, the arrest and searches very much did comply with the  
12 treaties, provisional arrest warrant requesting Mr. Kadir's  
13 arrest is what's called for under the treaty. In particular,  
14 the extradition treaty specifically authorizes seizure and  
15 surrender of property connected with the offense in article 13  
16 of that treaty.

17 Second, with respect to the evidence obtained by  
18 searches in Trinidad, those were requested pursuant to the  
19 MLAT, Mutual Assistance Treaty pursuant to Article 4 of that  
20 treaty.

21 With respect to Guyana, there was no MLAT treaty at  
22 the time, but the Guyanese law enforcement engaged in searches  
23 as we discussed already, searches they provided warrants,  
24 assurances those searches and the resulting seizures were made  
25 pursuant to Guyanese law and provided materials to the United



1 States Government.

2 It's the government's position and the case law  
3 certainly backs this up that in a case like this where the  
4 person who is searched, property was searched doesn't have  
5 substantial contacts with the United States, is not either a  
6 permanent legal resident or citizen, there's no Fourth  
7 Amendment application to those searches.

8 With respect to the computers, it's the government's  
9 view, given the computers before they're searched had come  
10 into the United States, again taking a belt and suspenders  
11 approach, I don't think that the case law requires, we went  
12 and obtained a warrant because there was no reason not to  
13 obtain a warrant. The computers were sitting in FBI and JTTF  
14 custody in New York. Again, the government's theory there was  
15 while the case law in our view supports a warrantless search  
16 of that seizure that took place in Trinidad or in that case in  
17 Guyana, from a non-U.S. citizen without substantial contact,  
18 we could have searched without a warrant. The thought process  
19 was why not get a warrant, have a court authorize U.S.  
20 probable cause to conduct that search.

21 That's not waiving the government's position where  
22 evidence is seized lawfully abroad, provided by foreign  
23 governments that no warrant is required. Again, simply it's  
24 out of abundance of caution. For those reasons the court need  
25 not bother itself with whether the treaties were applied

1 lawfully. I wanted to be certain to put on record the  
2 treaties were certainly followed to the letter.

3 THE COURT: Do you wish to respond at all?

4 MS. MESSINA: No. This is the first I'm getting  
5 this informations which I understand. The relationship the  
6 thumb drive was searched here, wondering why the government  
7 didn't obtain the search warrant as well. It's abundance of  
8 caution you obtained one for the computers.

9 MR. MILLER: The thumb drive was searched by the  
10 Trinidadian authorities, provided both the original and the  
11 electronic contents. It stood in a different position from  
12 the computers; that is, the electronic contents were provided  
13 as opposed to simply the shell, if you will of the drive.

14 THE COURT: Anything further?

15 MS. MESSINA: No, Judge.

16 THE COURT: I thank you all for being so very well  
17 prepared for the oral arguments today. It's really a  
18 pleasure.

19 I think the one thing I left for the end today was  
20 to set a briefing schedule for the anonymous jury.

21 MR. NOBEL: I have a note of discovery issues. Did  
22 that go -- perhaps for the government to inform us if they  
23 have any experts, to turn over the Rule 16 materials on the  
24 expert witnesses?

25 THE COURT: That we did not discuss. Thank you,

1 Mr. Nobel.

2 With respect to providing the same schedule with  
3 respect to discovery of expert witnesses that we had for the  
4 Bruton statements?

5 MR. MILLER: The Bruton statements we were going to  
6 file by March 8th. We're still in the process of identifying  
7 expert witnesses in order to provide not only the expert  
8 witness' name and resume but also a summary of his or her  
9 expected testimony or basic opinion. We need more time than  
10 March 8th, perhaps the beginning of April?

11 THE COURT: I was going to suggest April 5th.

12 MR. MILLER: That would be reasonable.

13 THE COURT: For disclosure --

14 MR. MILLER: That would be true for any defense  
15 witnesses that weren't responsive to the government expert.

16 THE COURT: That will be reciprocal date just to  
17 make it simpler.

18 We did discuss 404(b) notice to be provided by  
19 May 5th. The government is going to turn over 3500 material  
20 for witnesses outside of the country. I don't think we set a  
21 date for witnesses who are going to be in the country.

22 MR. MILLER: We would normally do that if the trial  
23 begins, the testimony of the trial June 14th time period, we  
24 would say the middle of May. I don't know what Monday would  
25 be there.

## Article 4

92

1 THE COURT: May 17th?

2 MR. MILLER: That's fine. We set May 5th for --

3 THE COURT: May 3rd for the 3500 material for  
4 witnesses outside the country and also for 404(b) notice and  
5 5-17 for 3500 material with respect to witnesses in the  
6 country.

7 Would the government be so kind to also provide the  
8 court with a set at that time as well?

9 MR. MILLER: Certainly, your Honor.

10 THE COURT: With respect in the event there are  
11 going to be any motions with respect to experts and so on,  
12 since you're not going to know until you actually get the  
13 disclosure whether or not you need motions, I'm going to ask  
14 the attorneys if you are going to, once you receive it, if you  
15 are going to file something -- I tell you what, ten days  
16 after receipt, notify the court whether you're going to file  
17 or if you're not going to file a motion. If you're going to  
18 file a motion, just file it.

19 MR. MILLER: April 15th?

20 THE COURT: Correct.

21 MR. MILLER: We also talked about filing an  
22 anonymous jury motion.

23 THE COURT: We haven't set the date yet for that.

24 MR. MILLER: With respect to the CIPA, I would like  
25 to send a letter to the court, propose a schedule, review it,

## Article 4

93

1 have a sense. I'll send a letter to the court within two  
2 weeks setting a proposed schedule after speaking with counsel  
3 about it.

4 THE COURT: On the experts, if we can just go with  
5 if anybody is going to file a motion with respect to the  
6 experts, ten days after disclosure, another ten days to  
7 respond and a week for reply. You could just assume to go on  
8 that schedule, I guess, to make it a little easier.

9 For the anonymous jury, we have a lot of things  
10 going on here at the same time.

11 MR. MILLER: I would propose if it fits with the  
12 court and counsel's schedule, we file the anonymous jury  
13 motion on the same day we provide the Brutonized statements to  
14 make life simpler, have a number of disclosures on the same  
15 day which is March 8th.

16 THE COURT: That's fine.

17 You're going to make your motion. Is March 22nd  
18 okay for the defendants to reply?

19 MS. WHALEN: Yes.

20 THE COURT: Then 3-29 for the government's reply?

21 MR. MILLER: Yes, your Honor.

22 THE COURT: Because the trial is still -- well, we  
23 have the hearing dated on the 23rd. Since everybody indicated  
24 that you're available on the 25th, perhaps we should use that  
25 as a status conference date only because I'm then going to be

1 tied up pretty much with trials in other cases. Is that good  
2 for everybody?

3 MS. WHALEN: Yes, your Honor.

4 MR. MILLER: I won't be here for that. I have  
5 every confidence Ms. Berger will be able to handle that.

6 THE COURT: March 23rd is going to be the hearing.  
7 Right now it's just as to defendant Defreitas. I want to  
8 absorb everything that's been argued today. What I will do is  
9 I'll send out an ECF order so that everybody knows if there  
10 are any other defendants that are involved in any other  
11 hearings so the parties will know.

12 MS. WHALEN: Also, I'll clarify as to Mr. Defreitas  
13 what issues the court would like to have a hearing --  
14 actually, Ms. Whalen said she was fine with a declaration from  
15 your agent as to the communication to Guyana.

16 THE COURT: That should be fine.

17 MR. MILLER: We also intend to put in a declaration  
18 with respect to the policy of the FBI in connection with  
19 inventory searches and then perhaps we could discuss whether  
20 that's sufficient.

21 THE COURT: You can confer then let me know. I'm  
22 going to err on the side of caution. If Ms. Whalen does not  
23 feel it sufficient, bring your witness, be prepared to have  
24 that testimony.

25 MR. MILLER: I understand.

Article 4

95

1 THE COURT: Is 11:00 o'clock good for everyone?

2 MR. NOBEL: On the 25th?

3 THE COURT: On the 25th, a status conference so we  
4 can make sure we're on board.

5 Just one more thing to remind you what's on your  
6 plate, Mr. Miller, if you could coordinate with Ms. Dolan,  
7 Mr. Hueston and myself, MDC, a meeting about Mr. Ibrahim.

8 MR. HUESTON: I appreciate that.

9 MS. BERGER: Time for the hearing on March 23rd?

10 THE COURT: 10:00 o'clock. Everyone is good at  
11 11:00 o'clock, March 25th, for a conference?

12 THE COURT: I'm going to have my law clerk give you  
13 his e-mail address so that you will have it for purposes of  
14 any of the submissions, so on.

15 He will e-mail all of you. That would be easier.

16 Anything else?

17 MR. MILLER: No, your Honor.

18 (Whereupon this matter concluded for this date.)  
19  
20  
21  
22  
23  
24  
25

<b>0</b>	<b>3500-type</b> [1] - 1: <b>36</b> [1] - 55:4 <b>37</b> [1] - 15:16 <b>3rd</b> [2] - 63:23, 92:3	<b>Absolutely</b> [1] - 9:19 <b>absorb</b> [1] - 94:8 <b>ABSUL</b> [1] - 1:6 <b>absurd</b> [1] - 44:18 <b>abundance</b> [3] - 47:7, 89:24, 90:7 <b>accept</b> [3] - 19:25, 70:15, 82:10 <b>acceptable</b> [1] - 16:21 <b>access</b> [14] - 35:2, 35:3, 47:15, 47:18, 47:22, 48:21, 49:7, 49:22, 49:24, 50:2, 50:5, 50:6, 50:10, 50:13 <b>accommodate</b> [1] - 10:20 <b>accommodation</b> [1] - 5:22 <b>accompanied</b> [2] - 30:15, 41:15 <b>accord</b> [1] - 77:3 <b>accordance</b> [1] - 71:25 <b>accorded</b> [1] - 77:10 <b>according</b> [2] - 29:15, 54:4 <b>According</b> [1] - 22:23 <b>accusatory</b> [1] - 67:22 <b>acknowledges</b> [1] - 19:15 <b>acrobatics</b> [1] - 58:21 <b>act</b> [4] - 27:11, 31:13, 39:19, 82:11 <b>acted</b> [5] - 20:22, 29:13, 32:3, 82:5, 82:6 <b>acting</b> [4] - 33:13, 40:13, 44:12, 75:13 <b>action</b> [4] - 26:24, 71:25, 77:18, 78:5 <b>actions</b> [6] - 32:1, 41:13, 41:14, 53:14, 72:13, 76:16 <b>activities</b> [3] - 34:1, 38:22, 53:13 <b>activity</b> [1] - 67:18 <b>actors</b> [1] - 53:15 <b>actual</b> [4] - 11:21, 52:5, 82:1, 84:11 <b>ad</b> [1] - 83:9 <b>add</b> [7] - 4:15, 9:4, 38:1, 41:18, 53:20, 59:2, 59:7 <b>added</b> [1] - 42:13 <b>adding</b> [1] - 42:23 <b>addition</b> [4] - 11:8, 54:6, 57:10, 66:12 <b>additional</b> [10] - 6:22, 6:25, 14:14, 21:13, 26:5, 41:23, 52:11, 61:10, 77:10, 84:23 <b>Addonizio</b> [9] - 20:5, 20:6, 21:14, 21:16, 25:19, 26:19, 30:6, 30:23, 42:6 <b>Addonizio's</b> [2] - 21:9, 26:3 <b>address</b> [19] - 5:12, 6:8, 6:9, 16:4, 18:14, 23:10, 24:5, 24:21, 37:18, 51:3, 52:13, 55:7, 59:14, 63:8, 65:8, 67:6, 67:7, 78:16, 95:13 <b>addressed</b> [5] - 5:16, 10:2, 13:1, 38:3, 74:16 <b>addressing</b> [5] - 18:25, 37:11, 45:25, 51:16, 74:17 <b>adequately</b> [2] - 58:23, 59:12 <b>administered</b> [3] - 22:14, 22:16, 86:8 <b>admissibility</b> [4] - 49:15, 49:17, 65:5, 65:7 <b>admissible</b> [4] - 19:24, 20:24, 33:3, 48:22 <b>admit</b> [1] - 54:8 <b>admitted</b> [3] - 32:11, 54:13, 54:23 <b>adopt</b> [2] - 45:12, 59:16 <b>adopted</b> [2] - 34:22, 36:1
<b>07-CR-543</b> [2] - 1:3, 3:2		
<b>1</b>	<b>4</b>  <b>4</b> [1] - 88:19 <b>404(b)</b> [8] - 62:2, 62:5, 62:6, 63:3, 64:3, 91:18, 92:4 <b>455</b> [1] - 20:21 <b>494</b> [1] - 78:19	
<b>105</b> [1] - 3:16 <b>10:00</b> [2] - 13:23, 95:10 <b>10th</b> [2] - 30:6, 30:13 <b>112</b> [1] - 85:20 <b>11201</b> [2] - 1:17, 2:8 <b>11:00</b> [2] - 95:1, 95:11 <b>122</b> [1] - 55:13 <b>13</b> [1] - 88:15 <b>136</b> [1] - 55:3 <b>147</b> [1] - 1:17 <b>14th</b> [11] - 14:21, 15:11, 15:12, 16:3, 16:8, 17:6, 17:15, 17:22, 18:7, 91:23 <b>15</b> [3] - 41:19, 64:19, 65:22 <b>157</b> [1] - 33:17 <b>15th</b> [2] - 61:16, 92:19 <b>16</b> [3] - 66:15, 66:17, 90:23 <b>16th</b> [2] - 15:3, 15:5 <b>177</b> [2] - 33:21, 68:12 <b>17th</b> [1] - 92:1 <b>1884</b> [2] - 85:17, 85:20 <b>19</b> [1] - 1:8 <b>1975</b> [1] - 86:2 <b>1990</b> [1] - 78:19 <b>1st</b> [11] - 6:14, 8:2, 8:17, 9:12, 9:15, 11:19, 11:22, 17:19, 17:25, 67:18, 67:23	<b>5</b>  <b>5-17</b> [1] - 92:5 <b>502</b> [1] - 55:13 <b>510</b> [1] - 86:2 <b>52</b> [1] - 20:21 <b>548</b> [1] - 87:10 <b>552</b> [5] - 33:17, 33:20, 54:12, 55:3, 68:12 <b>580</b> [1] - 85:20 <b>5th</b> [6] - 61:25, 66:11, 67:17, 91:11, 91:19, 92:2	
	<b>6</b>	
	<b>613-2537</b> [1] - 2:8 <b>62</b> [1] - 86:2 <b>6th</b> [1] - 30:5	
<b>2</b>	<b>7</b>  <b>718</b> [1] - 2:8 <b>7th</b> [1] - 18:2	
<b>2</b> [1] - 81:4 <b>2006</b> [3] - 20:20, 20:21, 87:10 <b>2010</b> [1] - 1:8 <b>225</b> [1] - 2:7 <b>22nd</b> [2] - 59:22, 93:17 <b>23rd</b> [5] - 13:23, 61:19, 93:23, 94:6, 95:9 <b>259</b> [1] - 78:19 <b>25th</b> [5] - 13:25, 93:24, 95:2, 95:3, 95:11 <b>29</b> [2] - 57:14, 57:25 <b>2:15</b> [1] - 1:9	<b>8</b>  <b>8th</b> [7] - 60:24, 61:7, 61:8, 61:9, 91:6, 91:10, 93:15	
	<b>9</b>  <b>93</b> [2] - 54:12, 55:3	
<b>3</b>	<b>A</b>  <b>ability</b> [2] - 72:17, 72:22 <b>able</b> [12] - 4:11, 5:7, 8:10, 23:5, 23:16, 51:19, 65:15, 66:22, 66:24, 76:18, 82:10, 94:5 <b>abroad</b> [7] - 40:22, 44:11, 44:14, 63:17, 64:4, 64:22, 89:22 <b>ABSEL</b> [1] - 1:7 <b>absent</b> [1] - 45:3 <b>absolute</b> [1] - 77:13 <b>absolutely</b> [2] - 35:22, 52:6	
<b>3</b> [1] - 81:4 <b>3-22</b> [1] - 61:20 <b>3-29</b> [2] - 61:23, 93:20 <b>30</b> [4] - 7:22, 7:23, 15:16 <b>331</b> [1] - 87:10 <b>34</b> [1] - 54:13 <b>3500</b> [15] - 12:17, 12:18, 13:5, 13:11, 62:23, 63:1, 63:9, 63:11, 63:24, 64:3, 66:16, 66:18, 91:19, 92:3, 92:5		



<p><b>advance</b> [8] - 7:22, 15:11, 15:16, 15:17, 60:6, 62:25, 63:21, 64:14</p> <p><b>advantage</b> [3] - 76:24, 77:4, 77:10</p> <p><b>advice</b> [4] - 22:21, 69:12, 73:12, 73:13</p> <p><b>advise</b> [1] - 68:19</p> <p><b>advised</b> [1] - 22:22</p> <p><b>advising</b> [2] - 44:11, 71:22</p> <p><b>advocate</b> [1] - 69:24</p> <p><b>Affairs</b> [1] - 27:13</p> <p><b>affect</b> [2] - 14:7, 88:5</p> <p><b>affidavit</b> [19] - 20:5, 20:6, 21:9, 22:3, 22:8, 26:3, 26:20, 27:2, 27:17, 28:13, 30:7, 30:20, 30:23, 42:5, 43:13, 43:25, 67:4, 72:25, 73:12</p> <p><b>affidavits</b> [4] - 53:8, 71:13, 74:2, 74:8</p> <p><b>affirmation</b> [1] - 23:11</p> <p><b>affirms</b> [1] - 20:7</p> <p><b>afraid</b> [1] - 65:23</p> <p><b>Africa</b> [1] - 33:16</p> <p><b>afternoon</b> [1] - 16:14</p> <p><b>afterthought</b> [1] - 82:14</p> <p><b>afterwards</b> [1] - 30:21</p> <p><b>agencies</b> [1] - 79:2</p> <p><b>agency</b> [11] - 20:13, 25:7, 26:10, 32:6, 42:15, 42:18, 43:1, 43:6, 43:10, 43:12</p> <p><b>Agency</b> [1] - 31:14</p> <p><b>agent</b> [5] - 26:14, 29:3, 29:9, 43:18, 94:15</p> <p><b>Agent</b> [8] - 20:6, 21:9, 21:14, 25:19, 26:3, 26:19, 30:23, 42:6</p> <p><b>agent's</b> [1] - 43:3</p> <p><b>agents</b> [26] - 24:16, 25:20, 26:11, 26:12, 28:8, 29:13, 29:17, 29:23, 30:15, 33:14, 40:6, 40:13, 41:15, 43:18, 44:11, 44:14, 46:2, 46:5, 46:9, 46:17, 50:24, 68:18, 73:15, 73:17, 76:17</p> <p><b>ago</b> [1] - 3:11</p> <p><b>agree</b> [9] - 7:17, 15:25, 31:25, 32:22, 36:1, 43:20, 65:10, 79:17, 79:25</p> <p><b>agreement</b> [3] - 41:20, 42:9, 46:1</p> <p><b>agreements</b> [1] - 81:17</p> <p><b>Aided</b> [1] - 2:11</p> <p><b>Airport</b> [2] - 28:3, 40:20</p> <p><b>Al</b> [2] - 38:23, 41:4</p> <p><b>al</b> [2] - 3:3, 58:10</p> <p><b>allegation</b> [1] - 67:4</p> <p><b>allegations</b> [4] - 28:1, 58:13, 58:25, 59:11</p> <p><b>alleged</b> [7] - 34:18, 41:22, 41:24, 42:7, 42:13, 50:9, 69:13</p> <p><b>allegedly</b> [2] - 36:12, 36:14</p> <p><b>alleges</b> [1] - 58:11</p> <p><b>alleviate</b> [1] - 55:11</p> <p><b>alleviated</b> [1] - 55:1</p> <p><b>allocutions</b> [5] - 55:18, 55:24, 56:17, 56:23, 57:16</p> <p><b>allow</b> [1] - 39:15</p> <p><b>alluded</b> [3] - 38:2, 38:7, 60:7</p> <p><b>almost</b> [3] - 33:5, 33:10, 79:1</p> <p><b>alternative</b> [1] - 21:14</p> <p><b>amenable</b> [1] - 11:21</p> <p><b>Amendment</b> [35] - 31:21, 33:19, 35:6,</p>	<p>37:4, 37:6, 42:12, 43:3, 44:6, 45:20, 67:5, 67:21, 68:4, 68:12, 68:21, 69:19, 69:22, 72:24, 73:4, 73:8, 73:10, 73:18, 74:16, 74:17, 74:19, 76:12, 77:11, 77:16, 77:25, 79:16, 80:5, 80:7, 85:11, 89:7</p> <p><b>AMERICA</b> [1] - 1:3</p> <p><b>American</b> [6] - 32:19, 32:20, 44:21, 44:22, 45:4, 82:3</p> <p><b>amicus</b> [5] - 75:3, 75:5, 83:18, 83:21</p> <p><b>ammunition</b> [6] - 34:15, 34:17, 36:9, 36:15, 36:21, 38:6</p> <p><b>amount</b> [1] - 11:25</p> <p><b>ample</b> [1] - 52:12</p> <p><b>analysis</b> [14] - 13:5, 29:9, 34:3, 35:10, 35:12, 37:9, 42:17, 43:2, 43:16, 44:15, 45:11, 83:11, 88:9</p> <p><b>anomalous</b> [1] - 29:2</p> <p><b>anonymous</b> [9] - 7:9, 7:12, 7:17, 8:25, 9:21, 90:20, 92:22, 93:9, 93:12</p> <p><b>answer</b> [4] - 4:6, 27:22, 46:12, 74:14</p> <p><b>anti</b> [1] - 3:18</p> <p><b>anti-depressants</b> [1] - 3:18</p> <p><b>anticipate</b> [9] - 3:12, 12:16, 13:3, 52:21, 58:4, 58:14, 58:17, 64:20, 64:25</p> <p><b>anticipated</b> [2] - 9:11, 24:11</p> <p><b>anticipating</b> [7] - 9:12, 9:13, 12:17, 12:22, 12:25, 24:21, 24:22</p> <p><b>anyway</b> [2] - 21:17, 48:13</p> <p><b>apartment</b> [27] - 46:8, 46:10, 46:14, 46:20, 46:23, 47:15, 47:17, 47:18, 47:20, 47:22, 48:8, 48:10, 48:11, 48:21, 49:2, 49:7, 49:13, 49:24, 50:1, 50:4, 50:5, 50:13, 50:19, 50:22, 50:23</p> <p><b>appealing</b> [1] - 55:25</p> <p><b>appear</b> [1] - 19:1</p> <p><b>appearance</b> [1] - 41:19</p> <p><b>Appearances</b> [1] - 3:4</p> <p><b>APPEARANCES</b> [1] - 1:15</p> <p><b>appellate</b> [1] - 19:4</p> <p><b>applicable</b> [2] - 41:21, 86:14</p> <p><b>application</b> [4] - 9:21, 45:8, 85:11, 89:7</p> <p><b>applied</b> [4] - 20:23, 86:23, 87:3, 89:25</p> <p><b>applies</b> [4] - 35:7, 64:16, 68:21, 68:23</p> <p><b>apply</b> [6] - 24:9, 33:25, 35:7, 56:12, 86:11, 86:16</p> <p><b>applying</b> [1] - 45:4</p> <p><b>appoint</b> [1] - 71:18</p> <p><b>appointed</b> [1] - 68:4</p> <p><b>appreciate</b> [2] - 60:13, 95:8</p> <p><b>approach</b> [4] - 7:2, 26:22, 54:21, 89:11</p> <p><b>appropriate</b> [15] - 4:22, 5:20, 6:23, 16:24, 30:4, 43:17, 43:18, 55:6, 55:14, 60:14, 66:15, 86:16, 87:6, 87:7, 88:2</p> <p><b>appropriately</b> [2] - 13:10, 29:13</p> <p><b>approved</b> [2] - 15:10, 62:17</p> <p><b>April</b> [6] - 14:23, 15:3, 61:25, 91:10, 91:11, 92:19</p> <p><b>arbitrary</b> [1] - 37:7</p> <p><b>area</b> [1] - 20:25</p> <p><b>areas</b> [1] - 16:4</p>	<p><b>arguably</b> [1] - 47:1</p> <p><b>argue</b> [4] - 19:12, 21:14, 34:25, 41:22</p> <p><b>argued</b> [5] - 20:22, 49:21, 52:15, 54:13, 94:8</p> <p><b>arguing</b> [5] - 19:14, 20:10, 71:10, 78:17, 83:2</p> <p><b>argument</b> [28] - 3:1, 8:6, 8:21, 14:3, 18:20, 19:25, 20:2, 21:9, 34:13, 34:21, 35:20, 36:9, 36:24, 37:2, 38:23, 43:11, 47:14, 49:22, 49:23, 49:25, 54:9, 55:8, 73:9, 77:2, 82:13, 87:3, 87:23</p> <p><b>argument's</b> [2] - 31:1, 31:6</p> <p><b>arguments</b> [13] - 6:6, 14:13, 14:17, 48:1, 53:5, 59:3, 59:17, 74:25, 75:2, 75:10, 77:24, 83:8, 90:17</p> <p><b>arise</b> [3] - 10:22, 13:12, 13:19</p> <p><b>arising</b> [1] - 58:24</p> <p><b>arraigned</b> [1] - 27:6</p> <p><b>arrangement</b> [1] - 76:18</p> <p><b>arrangements</b> [1] - 64:24</p> <p><b>arrest</b> [23] - 19:21, 46:10, 54:17, 67:9, 67:15, 67:17, 73:7, 73:23, 76:21, 76:22, 77:18, 77:22, 78:3, 78:4, 82:4, 82:5, 82:11, 83:3, 87:18, 88:3, 88:11, 88:12, 88:13</p> <p><b>arrested</b> [5] - 25:13, 25:15, 72:21, 73:7, 77:17</p> <p><b>arrestees</b> [1] - 22:2</p> <p><b>arrests</b> [6] - 22:1, 27:3, 27:4, 85:9, 88:1, 88:9</p> <p><b>artfully</b> [1] - 43:24</p> <p><b>article</b> [3] - 80:6, 86:18, 88:15</p> <p><b>Article</b> [1] - 88:19</p> <p><b>Aside</b> [1] - 23:1</p> <p><b>aside</b> [1] - 13:24</p> <p><b>aspects</b> [3] - 11:5, 63:12, 71:3</p> <p><b>assert</b> [4] - 85:16, 87:15, 87:20, 87:22</p> <p><b>asserting</b> [1] - 25:7</p> <p><b>assigned</b> [1] - 27:20</p> <p><b>assigns</b> [1] - 77:21</p> <p><b>Assistance</b> [1] - 88:19</p> <p><b>assistance</b> [3] - 40:4, 69:10, 86:18</p> <p><b>Assistant</b> [1] - 1:19</p> <p><b>assistant</b> [1] - 27:20</p> <p><b>associated</b> [1] - 38:23</p> <p><b>assume</b> [5] - 24:15, 31:1, 31:5, 66:7, 93:7</p> <p><b>assumed</b> [1] - 12:8</p> <p><b>assumes</b> [1] - 42:18</p> <p><b>assuming</b> [6] - 7:1, 40:11, 56:8, 58:18, 62:6, 81:24</p> <p><b>assumptions</b> [1] - 82:1</p> <p><b>assurances</b> [3] - 47:16, 75:15, 88:24</p> <p><b>assure</b> [1] - 45:22</p> <p><b>assured</b> [2] - 28:10, 28:13</p> <p><b>assuring</b> [1] - 75:14</p> <p><b>attached</b> [2] - 69:3, 73:10</p> <p><b>attachment</b> [1] - 73:9</p> <p><b>attack</b> [5] - 28:3, 37:15, 39:16, 40:20, 40:23</p> <p><b>attacks</b> [1] - 41:4</p> <p><b>attention</b> [3] - 12:13, 54:10, 84:10</p>
--	---	---

<p><b>attorney</b> [6] - 65:18, 67:25, 68:4, 68:7, 77:22, 77:23</p> <p><b>Attorney</b> [3] - 1:16, 1:19, 75:14</p> <p><b>Attorney's</b> [3] - 27:12, 65:4, 75:13</p> <p><b>attorneys</b> [7] - 12:1, 12:8, 12:24, 60:18, 65:18, 69:12, 92:14</p> <p><b>audio</b> [1] - 57:8</p> <p><b>authorities</b> [2] - 82:3, 90:10</p> <p><b>authority</b> [4] - 21:12, 43:19, 75:19, 84:21</p> <p><b>authorize</b> [2] - 87:9, 89:19</p> <p><b>authorized</b> [1] - 40:18</p> <p><b>authorizes</b> [1] - 88:14</p> <p><b>available</b> [8] - 13:22, 14:11, 16:18, 61:17, 76:25, 87:12, 87:14, 93:24</p> <p><b>average</b> [1] - 6:18</p> <p><b>avoid</b> [1] - 52:7</p> <p><b>aware</b> [10] - 13:8, 26:12, 26:16, 27:24, 27:25, 29:21, 30:22, 62:8, 64:9, 68:7</p>	<p><b>BENTON</b> [1] - 1:1</p> <p><b>Berger</b> [7] - 41:18, 55:13, 55:14, 55:21, 55:22, 56:4, 94:5</p> <p><b>BERGER</b> [2] - 1:18, 95:9</p> <p><b>BERIT</b> [1] - 1:18</p> <p><b>best</b> [5] - 4:9, 5:16, 7:18, 58:11, 60:19</p> <p><b>better</b> [4] - 3:15, 4:18, 21:15, 21:17</p> <p><b>between</b> [11] - 14:25, 22:13, 26:10, 31:7, 31:23, 33:11, 35:13, 40:5, 45:17, 85:17, 86:3</p> <p><b>beyond</b> [1] - 76:14</p> <p><b>big</b> [1] - 5:10</p> <p><b>bigger</b> [1] - 41:3</p> <p><b>bit</b> [3] - 12:14, 30:25, 55:13</p> <p><b>board</b> [1] - 95:4</p> <p><b>bolster</b> [1] - 58:15</p> <p><b>bombing</b> [3] - 42:21, 57:23, 69:21</p> <p><b>bombings</b> [11] - 33:15, 38:2, 40:25, 41:1, 41:9, 41:16, 42:17, 43:2, 54:12, 55:22, 56:2</p> <p><b>books</b> [1] - 24:3</p> <p><b>BOP</b> [1] - 3:13</p> <p><b>bother</b> [1] - 89:25</p> <p><b>Brady</b> [5] - 62:7, 62:12, 62:13, 62:20</p> <p><b>brain</b> [1] - 24:24</p> <p><b>branch</b> [1] - 5:21</p> <p><b>breached</b> [1] - 47:17</p> <p><b>Brennan</b> [1] - 80:9</p> <p><b>brief</b> [10] - 19:16, 19:18, 34:9, 39:1, 48:20, 52:15, 54:11, 55:5, 82:13</p> <p><b>briefing</b> [4] - 51:17, 52:11, 58:8, 90:20</p> <p><b>Briefly</b> [1] - 59:16</p> <p><b>briefly</b> [2] - 6:10, 46:7</p> <p><b>briefs</b> [4] - 75:3, 75:5, 83:18, 83:21</p> <p><b>bring</b> [4] - 9:6, 61:25, 64:7, 94:23</p> <p><b>bringing</b> [2] - 15:12, 84:10</p> <p><b>broad</b> [1] - 39:2</p> <p><b>broken</b> [2] - 47:24, 50:1</p> <p><b>Brooklyn</b> [4] - 1:5, 1:17, 2:8, 46:8</p> <p><b>brought</b> [7] - 3:13, 3:22, 6:21, 12:12, 25:14, 85:1, 88:4</p> <p><b>Bruton</b> [9] - 51:8, 51:16, 52:16, 54:14, 55:1, 59:2, 60:10, 91:4, 91:5</p> <p><b>Brutonization</b> [3] - 52:17, 53:23, 54:1</p> <p><b>Brutonized</b> [11] - 51:13, 51:24, 52:4, 53:2, 54:4, 55:2, 57:5, 60:21, 61:2, 61:5, 93:13</p> <p><b>Brutonizing</b> [2] - 51:21, 59:12</p> <p><b>build</b> [1] - 8:24</p> <p><b>builds</b> [1] - 6:25</p> <p><b>bunch</b> [1] - 73:15</p> <p><b>burden</b> [3] - 71:9, 72:2, 72:18</p> <p><b>burglar</b> [2] - 47:24, 50:23</p> <p><b>BY</b> [1] - 1:18</p>	<p><b>cannot</b> [1] - 52:18</p> <p><b>caption</b> [1] - 19:2</p> <p><b>care</b> [3] - 4:22, 5:7, 46:14</p> <p><b>careful</b> [1] - 83:12</p> <p><b>carefully</b> [2] - 69:2, 82:19</p> <p><b>case</b> [125] - 5:4, 6:17, 6:18, 6:20, 6:24, 7:10, 7:12, 10:20, 11:1, 12:9, 14:4, 17:19, 18:21, 19:5, 20:9, 20:13, 20:18, 20:20, 20:21, 20:23, 21:6, 23:8, 23:15, 24:14, 27:3, 28:16, 31:8, 31:12, 31:25, 32:2, 32:4, 32:5, 33:20, 33:22, 34:6, 34:7, 34:19, 36:5, 36:19, 37:3, 37:13, 37:16, 38:2, 38:4, 38:14, 38:18, 38:20, 39:4, 39:5, 39:6, 39:12, 39:25, 40:2, 40:25, 41:1, 41:2, 41:3, 41:9, 41:16, 42:18, 42:20, 42:21, 43:2, 52:8, 52:21, 54:10, 54:12, 55:3, 55:17, 55:22, 55:24, 56:2, 56:4, 56:22, 57:14, 57:23, 57:25, 58:20, 59:11, 60:17, 62:24, 63:20, 68:10, 68:11, 68:13, 70:2, 70:20, 70:21, 72:19, 73:1, 73:3, 73:5, 73:8, 73:10, 73:11, 73:13, 73:20, 74:18, 74:20, 76:10, 76:14, 77:22, 78:7, 78:18, 79:5, 79:10, 79:11, 79:19, 83:12, 85:19, 85:21, 85:24, 86:3, 87:16, 88:6, 88:7, 89:2, 89:3, 89:11, 89:15, 89:16</p> <p><b>cases</b> [34] - 6:18, 8:19, 9:6, 10:16, 10:17, 12:3, 12:9, 15:21, 19:8, 25:9, 25:10, 34:8, 39:17, 41:5, 44:10, 45:25, 54:19, 56:14, 56:16, 57:15, 65:12, 69:17, 69:18, 69:21, 71:4, 72:2, 74:16, 75:7, 75:25, 76:1, 79:8, 80:17, 94:1</p> <p><b>category</b> [2] - 47:25, 79:15</p> <p><b>caught</b> [1] - 57:10</p> <p><b>caused</b> [1] - 54:14</p> <p><b>caution</b> [4] - 47:7, 89:24, 90:8, 94:22</p> <p><b>Central</b> [1] - 17:24</p> <p><b>certain</b> [7] - 11:8, 12:8, 24:3, 48:1, 55:10, 68:15, 90:1</p> <p><b>certainly</b> [21] - 10:20, 11:13, 16:18, 22:3, 31:9, 34:7, 44:3, 46:4, 52:1, 62:20, 63:7, 66:3, 67:12, 76:18, 81:9, 83:4, 83:8, 83:25, 89:3, 90:2</p> <p><b>Certainly</b> [10] - 5:8, 5:22, 45:19, 45:25, 62:12, 63:11, 66:9, 67:14, 79:22, 92:9</p> <p><b>certainty</b> [1] - 39:16</p> <p><b>chain</b> [3] - 49:6, 49:15, 50:15</p> <p><b>Chain</b> [1] - 49:16</p> <p><b>challenge</b> [2] - 10:6, 17:1</p> <p><b>challenged</b> [1] - 20:17</p> <p><b>challenges</b> [5] - 16:5, 16:6, 16:16, 16:20, 18:3</p> <p><b>change</b> [4] - 4:1, 14:2, 78:20, 81:10</p> <p><b>changes</b> [1] - 75:6</p> <p><b>changing</b> [1] - 65:16</p> <p><b>characterize</b> [1] - 58:12</p> <p><b>characterized</b> [1] - 4:20</p> <p><b>charged</b> [1] - 29:7</p> <p><b>charges</b> [4] - 40:1, 52:20, 52:22, 58:17</p> <p><b>chase</b> [1] - 51:25</p> <p><b>check</b> [2] - 6:1, 17:17</p> <p><b>checked</b> [1] - 27:18</p> <p><b>chief</b> [3] - 52:22, 69:8, 84:4</p>
<p><b>B</b></p> <p><b>backpack</b> [6] - 19:11, 19:20, 19:22, 20:3, 20:8, 21:24</p> <p><b>backs</b> [1] - 89:3</p> <p><b>balance</b> [1] - 36:19</p> <p><b>balancing</b> [9] - 34:3, 34:24, 35:12, 36:5, 41:21, 42:8, 42:11, 42:14</p> <p><b>bald</b> [1] - 26:6</p> <p><b>bar</b> [7] - 6:22, 31:22, 32:22, 33:6, 33:11, 78:11</p> <p><b>based</b> [19] - 19:7, 25:5, 27:2, 32:25, 34:15, 34:25, 36:18, 36:21, 43:2, 52:22, 58:17, 64:14, 65:24, 80:3, 83:3, 83:10, 84:21</p> <p><b>basic</b> [2] - 39:8, 91:9</p> <p><b>basing</b> [1] - 25:11</p> <p><b>basis</b> [17] - 34:14, 34:25, 35:21, 35:22, 35:24, 36:13, 38:8, 45:1, 47:4, 62:8, 62:22, 71:8, 80:25, 81:7, 82:7, 82:10, 85:2</p> <p><b>Bay</b> [1] - 75:9</p> <p><b>became</b> [4] - 27:5, 27:24, 29:21, 47:9</p> <p><b>Becker</b> [2] - 56:15, 57:15</p> <p><b>become</b> [1] - 5:9</p> <p><b>becomes</b> [1] - 62:8</p> <p><b>BEFORE</b> [1] - 1:11</p> <p><b>begin</b> [5] - 9:11, 9:14, 11:20, 14:21, 18:25</p> <p><b>beginning</b> [8] - 7:23, 11:19, 11:21, 46:17, 63:5, 63:18, 63:23, 91:10</p> <p><b>begins</b> [1] - 91:23</p> <p><b>behalf</b> [7] - 9:20, 19:12, 25:8, 59:5, 69:4, 75:13, 83:19</p> <p><b>belatedly</b> [1] - 58:15</p> <p><b>belief</b> [1] - 49:8</p> <p><b>believes</b> [1] - 57:9</p> <p><b>belongs</b> [2] - 49:3, 50:4</p> <p><b>belt</b> [2] - 48:15, 89:10</p> <p><b>bench</b> [2] - 67:11</p> <p><b>benefit</b> [1] - 72:7</p> <p><b>benefits</b> [1] - 75:16</p>	<p><b>C</b></p> <p><b>Cadman</b> [1] - 2:7</p> <p><b>calendar</b> [1] - 17:18</p> <p><b>CAMPBELL</b> [1] - 1:16</p> <p><b>Canada</b> [1] - 83:14</p>	

<p><b>choice</b> [1] - 70:14</p> <p><b>choose</b> [2] - 24:18, 68:18</p> <p><b>chose</b> [3] - 69:12, 71:6, 76:14</p> <p><b>chosen</b> [1] - 80:15</p> <p><b>chronology</b> [1] - 67:13</p> <p><b>CIPA</b> [9] - 10:23, 12:12, 12:17, 12:19, 12:21, 12:22, 12:25, 13:17, 92:24</p> <p><b>circuit</b> [20] - 28:18, 29:10, 31:18, 31:22, 33:17, 33:23, 34:22, 35:4, 38:17, 38:25, 44:20, 54:15, 54:22, 55:16, 57:16, 57:22, 62:17, 79:21, 79:23, 80:18</p> <p><b>Circuit</b> [15] - 20:11, 20:23, 28:17, 31:12, 36:1, 36:25, 45:16, 55:19, 68:11, 69:23, 74:21, 81:3, 86:1, 87:2</p> <p><b>circuits</b> [1] - 81:8</p> <p><b>circulate</b> [1] - 53:25</p> <p><b>circumstance</b> [1] - 67:9</p> <p><b>circumstance's</b> [1] - 34:3</p> <p><b>circumstances</b> [10] - 4:1, 8:18, 35:11, 55:11, 70:5, 70:9, 70:14, 71:21, 76:15</p> <p><b>citation</b> [1] - 20:21</p> <p><b>cite</b> [6] - 55:14, 70:20, 71:4, 79:12, 80:15, 81:5</p> <p><b>cited</b> [13] - 20:9, 34:8, 43:25, 54:19, 56:15, 73:6, 74:7, 79:10, 79:11, 81:4, 85:25, 87:12</p> <p><b>citizen</b> [6] - 31:3, 44:21, 78:23, 80:24, 89:6, 89:17</p> <p><b>citizens</b> [5] - 35:6, 44:22, 79:3, 80:8, 86:5</p> <p><b>city</b> [8] - 46:21, 46:24, 48:11, 50:10, 50:12, 50:18, 50:22, 50:24</p> <p><b>City</b> [4] - 49:3, 49:11, 50:4, 50:5</p> <p><b>claim</b> [3] - 24:12, 36:7, 36:8</p> <p><b>claiming</b> [1] - 50:3</p> <p><b>clarification</b> [2] - 25:22, 26:5</p> <p><b>clarified</b> [1] - 42:15</p> <p><b>clarify</b> [1] - 94:12</p> <p><b>classic</b> [1] - 77:11</p> <p><b>classified</b> [8] - 10:24, 11:1, 11:9, 13:6, 13:10, 13:16, 13:18, 63:1</p> <p><b>clause</b> [5] - 35:6, 35:9, 37:10, 45:7</p> <p><b>clear</b> [10] - 23:8, 24:14, 24:16, 27:2, 46:25, 51:1, 68:13, 73:4, 74:18, 82:3</p> <p><b>cleared</b> [1] - 48:15</p> <p><b>clearer</b> [1] - 33:6</p> <p><b>clearly</b> [15] - 23:13, 27:5, 28:23, 32:2, 35:2, 36:4, 36:13, 36:22, 38:8, 49:20, 50:1, 50:4, 56:4, 67:21, 79:21</p> <p><b>Clearly</b> [1] - 32:17</p> <p><b>clerk</b> [5] - 7:21, 15:15, 16:12, 18:14, 95:12</p> <p><b>CLERK</b> [1] - 3:1</p> <p><b>client</b> [4] - 19:13, 69:4, 82:6, 84:12</p> <p><b>client's</b> [3] - 25:17, 51:3, 84:18</p> <p><b>close</b> [1] - 39:6</p> <p><b>closer</b> [3] - 5:23, 5:24, 13:8</p> <p><b>cocounsel</b> [1] - 60:5</p> <p><b>codefendant</b> [1] - 52:19</p> <p><b>codefendant's</b> [1] - 55:17</p> <p><b>codefendants</b> [4] - 51:21, 56:23,</p>	<p>57:24, 59:9</p> <p><b>collect</b> [1] - 16:13</p> <p><b>collection</b> [1] - 45:16</p> <p><b>combination</b> [1] - 48:23</p> <p><b>Coming</b> [1] - 54:9</p> <p><b>coming</b> [2] - 3:20, 13:4</p> <p><b>comment</b> [1] - 46:6</p> <p><b>commitments</b> [1] - 12:10</p> <p><b>common</b> [1] - 18:24</p> <p><b>commonly</b> [1] - 68:20</p> <p><b>communicated</b> [1] - 4:15</p> <p><b>communication</b> [1] - 94:15</p> <p><b>community</b> [2] - 28:14, 38:13</p> <p><b>compact</b> [1] - 85:17</p> <p><b>compare</b> [1] - 52:4</p> <p><b>compared</b> [1] - 41:11</p> <p><b>compel</b> [2] - 64:17, 70:10</p> <p><b>compelled</b> [4] - 68:16, 69:14, 70:13, 76:15</p> <p><b>compelling</b> [1] - 74:22</p> <p><b>compels</b> [1] - 81:18</p> <p><b>competent</b> [1] - 68:1</p> <p><b>complaint</b> [16] - 25:12, 25:14, 27:5, 27:25, 28:1, 31:2, 36:12, 38:8, 40:1, 52:23, 57:7, 58:13, 58:18, 59:12, 67:12, 67:14</p> <p><b>complaint's</b> [1] - 58:9</p> <p><b>completely</b> [1] - 26:23</p> <p><b>completeness</b> [1] - 43:16</p> <p><b>complied</b> [2] - 85:9, 88:10</p> <p><b>complies</b> [1] - 74:12</p> <p><b>comply</b> [3] - 73:22, 85:15, 88:11</p> <p><b>component</b> [3] - 4:23, 5:4, 63:10</p> <p><b>comport</b> [2] - 31:20, 63:7</p> <p><b>comports</b> [2] - 44:17, 63:6</p> <p><b>compulsion</b> [1] - 77:12</p> <p><b>Computer</b> [1] - 2:11</p> <p><b>computer</b> [1] - 84:18</p> <p><b>computers</b> [5] - 89:8, 89:9, 89:13, 90:8, 90:12</p> <p><b>concept</b> [1] - 87:3</p> <p><b>concern</b> [8] - 4:21, 5:11, 8:19, 10:13, 10:15, 17:3, 17:6</p> <p><b>concerned</b> [4] - 3:22, 19:7, 24:22, 39:13</p> <p><b>concerns</b> [3] - 5:21, 62:3, 83:20</p> <p><b>conclude</b> [1] - 45:7</p> <p><b>concluded</b> [1] - 95:18</p> <p><b>conclusion</b> [1] - 44:20</p> <p><b>condition</b> [2] - 3:24, 5:9</p> <p><b>conduct</b> [6] - 25:17, 32:6, 32:8, 80:11, 80:12, 89:20</p> <p><b>conducted</b> [9] - 20:14, 21:6, 21:24, 28:6, 29:23, 30:21, 32:8, 36:19, 80:19</p> <p><b>conducting</b> [2] - 32:21, 32:25</p> <p><b>confer</b> [6] - 9:17, 9:20, 11:12, 11:15, 86:4, 94:21</p> <p><b>conference</b> [4] - 4:4, 93:25, 95:3, 95:11</p> <p><b>conferences</b> [1] - 64:13</p> <p><b>conferring</b> [1] - 13:22</p> <p><b>confers</b> [1] - 85:22</p>	<p><b>confidence</b> [2] - 21:1, 94:5</p> <p><b>confinement</b> [1] - 3:17</p> <p><b>confines</b> [1] - 45:5</p> <p><b>confirmed</b> [1] - 35:3</p> <p><b>confronted</b> [1] - 65:17</p> <p><b>Congress</b> [3] - 77:20, 78:13, 86:15</p> <p><b>connected</b> [1] - 88:15</p> <p><b>connection</b> [1] - 94:18</p> <p><b>consciousness</b> [1] - 53:12</p> <p><b>consensus</b> [1] - 11:17</p> <p><b>consent</b> [6] - 20:3, 20:7, 20:8, 21:7, 21:8, 76:6</p> <p><b>consequences</b> [1] - 71:24</p> <p><b>consider</b> [6] - 23:23, 55:23, 56:3, 56:4, 79:5, 80:1</p> <p><b>consideration</b> [3] - 60:13, 80:25, 83:12</p> <p><b>considered</b> [5] - 36:5, 54:24, 55:6, 83:9, 83:10</p> <p><b>consistent</b> [2] - 44:7, 80:17</p> <p><b>conspiracy</b> [9] - 40:19, 41:8, 54:20, 55:24, 56:6, 56:20, 57:3, 57:10, 57:19</p> <p><b>Constitution</b> [3] - 78:11, 78:12, 87:19</p> <p><b>constitution</b> [1] - 87:18</p> <p><b>constitutional</b> [3] - 75:17, 86:15, 86:25</p> <p><b>consular</b> [1] - 87:4</p> <p><b>contact</b> [3] - 3:21, 76:14, 89:17</p> <p><b>contacts</b> [3] - 31:4, 79:13, 89:5</p> <p><b>contained</b> [1] - 19:17</p> <p><b>contents</b> [3] - 19:22, 90:11, 90:12</p> <p><b>contest</b> [2] - 77:13, 81:1</p> <p><b>contested</b> [1] - 21:2</p> <p><b>context</b> [1] - 78:3</p> <p><b>contingencies</b> [1] - 21:1</p> <p><b>continue</b> [1] - 5:7</p> <p><b>continued</b> [1] - 49:12</p> <p><b>continuing</b> [2] - 9:25, 62:9</p> <p><b>continuum</b> [1] - 5:14</p> <p><b>control</b> [4] - 17:16, 48:11, 65:5, 81:15</p> <p><b>controlled</b> [1] - 48:21</p> <p><b>Convention</b> [2] - 87:4, 87:8</p> <p><b>conversant</b> [1] - 46:2</p> <p><b>conversations</b> [1] - 57:9</p> <p><b>convince</b> [1] - 75:20</p> <p><b>cooperating</b> [2] - 57:11, 58:16</p> <p><b>cooperation</b> [1] - 31:7</p> <p><b>cooperative</b> [1] - 9:24</p> <p><b>coordinate</b> [3] - 5:17, 6:2, 95:6</p> <p><b>copy</b> [6] - 25:25, 28:11, 49:10, 49:12, 60:24, 61:1</p> <p><b>core</b> [1] - 37:6</p> <p><b>corpus</b> [1] - 75:8</p> <p><b>Correct</b> [2] - 64:19, 92:20</p> <p><b>correct</b> [7] - 21:4, 24:7, 24:8, 53:9, 62:1, 67:13, 81:25</p> <p><b>cost</b> [2] - 72:18, 77:23</p> <p><b>Counsel</b> [1] - 16:14</p> <p><b>counsel</b> [44] - 9:7, 11:15, 13:22, 17:12, 47:3, 51:18, 51:23, 59:20, 60:11, 62:18, 63:6, 65:13, 66:3, 66:20, 67:21, 67:25, 69:1, 69:11, 69:13, 69:25, 70:24, 71:2,</p>
--	---	--

<p>71:5, 71:12, 71:18, 71:24, 71:25, 72:6, 72:7, 72:15, 72:16, 73:12, 73:13, 74:17, 75:23, 76:2, 76:7, 76:10, 83:6, 87:14, 87:19, 93:2</p> <p><b>counsels'</b> [2] - 34:9, 93:12</p> <p><b>countries</b> [8] - 27:4, 39:10, 65:21, 81:18, 81:19, 81:20, 81:25, 86:5</p> <p><b>country</b> [16] - 27:21, 28:18, 45:5, 64:1, 64:8, 70:1, 71:6, 75:18, 78:24, 79:16, 80:23, 80:24, 91:20, 91:21, 92:4, 92:6</p> <p><b>couple</b> [4] - 22:4, 29:22, 29:24, 72:3</p> <p><b>course</b> [3] - 21:15, 21:17, 27:25</p> <p><b>court</b> [89] - 4:24, 8:22, 12:2, 12:11, 15:5, 15:10, 16:2, 18:15, 19:4, 19:7, 19:15, 19:25, 20:25, 21:15, 24:22, 25:6, 26:12, 26:16, 26:17, 27:18, 32:11, 33:13, 33:23, 33:25, 37:9, 37:12, 38:3, 39:2, 41:19, 41:22, 42:7, 42:25, 43:9, 43:14, 44:7, 44:8, 45:6, 47:12, 48:16, 48:17, 51:3, 51:17, 51:19, 51:23, 52:11, 53:2, 55:1, 55:10, 55:23, 56:18, 57:17, 57:24, 60:25, 64:8, 66:20, 68:2, 68:13, 69:22, 71:18, 72:8, 72:9, 73:1, 73:12, 73:16, 74:3, 75:10, 75:12, 75:16, 75:18, 76:10, 77:21, 79:4, 81:9, 81:14, 83:9, 84:9, 86:7, 87:13, 87:17, 88:1, 88:9, 89:19, 89:24, 92:8, 92:16, 92:25, 93:1, 93:12, 94:13</p> <p><b>COURT</b> [125] - 1:1, 3:5, 3:8, 4:13, 4:21, 6:6, 6:15, 7:6, 7:13, 8:5, 8:24, 9:3, 9:19, 10:7, 11:13, 11:15, 11:17, 11:24, 12:11, 12:24, 13:4, 13:20, 14:7, 14:12, 15:2, 15:3, 15:6, 15:14, 16:8, 17:17, 18:1, 18:10, 18:13, 18:19, 19:15, 21:20, 22:11, 23:18, 24:25, 26:16, 27:8, 29:17, 30:25, 33:12, 35:4, 36:24, 39:20, 41:17, 41:23, 43:16, 44:19, 47:13, 48:25, 49:16, 50:9, 51:2, 51:8, 51:15, 53:4, 53:11, 55:7, 56:14, 58:2, 59:1, 59:5, 59:14, 59:18, 59:22, 59:24, 60:4, 60:15, 60:24, 61:3, 61:8, 61:14, 61:17, 61:20, 61:23, 61:25, 62:6, 62:11, 63:3, 63:22, 64:11, 64:19, 65:10, 66:10, 66:21, 67:7, 68:10, 69:20, 70:10, 70:20, 73:2, 74:6, 78:14, 79:8, 79:19, 81:2, 82:12, 83:3, 85:4, 90:3, 90:14, 90:16, 90:25, 91:11, 91:13, 91:16, 92:1, 92:3, 92:10, 92:20, 92:23, 93:4, 93:16, 93:20, 93:22, 94:6, 94:16, 94:21, 95:1, 95:3, 95:10, 95:12</p> <p><b>Court</b> [7] - 2:6, 2:7, 80:14, 81:7, 81:10, 87:3, 87:7</p> <p><b>court's</b> [8] - 12:13, 16:5, 57:1, 63:6, 66:23, 75:25, 80:25, 88:5</p> <p><b>courthouse</b> [1] - 40:18</p> <p><b>Courthouse</b> [1] - 1:4</p> <p><b>courts</b> [5] - 28:17, 28:18, 43:19, 79:3, 80:14</p> <p><b>Courts</b> [1] - 86:23</p> <p><b>cover</b> [1] - 22:4</p> <p><b>craft</b> [1] - 58:23</p> <p><b>Crawford</b> [10] - 51:6, 51:8, 52:7, 52:17, 52:18, 54:14, 55:1, 55:9, 56:7, 56:11</p> <p><b>Crawford-Bruton</b> [1] - 51:8</p>	<p><b>create</b> [3] - 60:18 77:20</p> <p><b>created</b> [2] - 71:5, 78:13</p> <p><b>creates</b> [2] - 56:8, 86:7</p> <p><b>crimes</b> [1] - 74:14</p> <p><b>criminal</b> [5] - 5:1, 67:20, 71:6, 71:7</p> <p><b>Criminal</b> [1] - 3:1</p> <p><b>critical</b> [3] - 56:7, 57:1, 74:21</p> <p><b>cross</b> [1] - 21:18</p> <p><b>cross-examination</b> [1] - 21:18</p> <p><b>crystalized</b> [1] - 22:1</p> <p><b>cure</b> [4] - 52:17, 52:18, 58:23, 59:12</p> <p><b>current</b> [3] - 10:13, 59:24, 75:6</p> <p><b>custody</b> [6] - 20:12, 49:6, 49:15, 49:16, 50:16, 89:14</p> <p><b>cutting</b> [1] - 51:25</p> <p style="text-align: center;"><b>D</b></p> <p><b>damage</b> [1] - 24:24</p> <p><b>dangling</b> [1] - 10:9</p> <p><b>DANIEL</b> [1] - 2:3</p> <p><b>date</b> [24] - 4:8, 4:10, 5:23, 6:11, 6:12, 6:14, 7:3, 7:23, 8:3, 8:17, 9:7, 13:11, 13:19, 13:22, 14:5, 16:8, 17:20, 29:25, 52:10, 91:16, 91:21, 92:23, 93:25, 95:18</p> <p><b>dated</b> [1] - 93:23</p> <p><b>dates</b> [4] - 10:8, 17:8, 17:17</p> <p><b>days</b> [12] - 7:22, 7:23, 9:8, 15:16, 29:22, 29:25, 30:1, 32:18, 92:15, 93:6</p> <p><b>DEA</b> [2] - 31:14, 73:15</p> <p><b>deal</b> [2] - 12:19, 64:14</p> <p><b>dealing</b> [6] - 35:5, 45:3, 51:6, 59:19, 66:1, 75:7</p> <p><b>deals</b> [1] - 33:19</p> <p><b>dealt</b> [4] - 10:12, 55:16, 68:12, 80:18</p> <p><b>death</b> [1] - 6:20</p> <p><b>decide</b> [2] - 24:9, 43:9</p> <p><b>decided</b> [6] - 37:12, 66:22, 68:11, 69:8, 80:7, 86:15</p> <p><b>decision</b> [6] - 8:13, 33:20, 42:9, 43:14, 44:25, 83:15</p> <p><b>decisions</b> [2] - 8:11, 66:4</p> <p><b>declaration</b> [6] - 42:1, 42:3, 42:6, 43:17, 94:14, 94:17</p> <p><b>declassifying</b> [1] - 12:21</p> <p><b>declined</b> [3] - 45:11, 45:12, 45:16</p> <p><b>deem</b> [1] - 43:1</p> <p><b>defective</b> [1] - 48:18</p> <p><b>Defendant</b> [1] - 1:20</p> <p><b>defendant</b> [33] - 19:1, 19:20, 23:5, 27:6, 36:25, 37:3, 38:7, 53:25, 54:12, 54:18, 54:24, 54:25, 55:25, 56:3, 56:20, 57:6, 57:12, 68:15, 68:16, 71:1, 71:22, 72:18, 73:7, 75:17, 76:4, 76:14, 78:5, 78:10, 80:16, 85:15, 87:14, 88:4, 94:7</p> <p><b>defendant's</b> [12] - 24:2, 25:1, 34:4, 35:13, 37:15, 37:17, 39:7, 53:24, 54:17, 54:23, 84:5, 84:8</p> <p><b>defendants</b> [29] - 8:14, 10:17, 14:8, 25:15, 48:4, 51:9, 53:8, 53:16, 54:21, 56:5, 56:13, 59:1, 62:2, 68:23, 68:24,</p>	<p>69:7, 69:9, 69:10, 69:11, 69:15, 75:1, 75:2, 75:15, 75:23, 83:5, 83:19, 83:22, 93:18, 94:10</p> <p><b>DEFENDANTS</b> [1] - 1:8</p> <p><b>defendants'</b> [4] - 19:16, 22:15, 61:20, 83:24</p> <p><b>defense</b> [24] - 9:6, 10:25, 11:1, 11:18, 12:24, 13:12, 13:15, 15:22, 15:25, 17:12, 23:1, 34:9, 43:23, 43:25, 47:3, 47:13, 56:15, 62:18, 63:6, 64:6, 65:7, 66:20, 87:19, 91:14</p> <p><b>deficiencies</b> [1] - 43:24</p> <p><b>deficiency</b> [1] - 83:24</p> <p><b>definitively</b> [1] - 79:6</p> <p><b>DEFREITAS</b> [1] - 1:5</p> <p><b>Defreitas</b> [27] - 1:21, 3:2, 9:10, 14:2, 14:6, 20:7, 20:8, 21:7, 22:19, 22:23, 23:2, 23:4, 23:19, 24:9, 24:16, 24:19, 25:13, 28:1, 34:17, 35:2, 48:9, 49:2, 49:8, 51:10, 54:7, 94:7, 94:12</p> <p><b>Defreitas'</b> [1] - 8:8</p> <p><b>Defreitas's</b> [7] - 12:15, 19:9, 36:6, 36:20, 46:10, 48:3, 53:21</p> <p><b>Deft</b> [4] - 1:21, 1:24, 2:2, 2:4</p> <p><b>degree</b> [4] - 34:4, 44:7, 58:19, 58:24</p> <p><b>delay</b> [1] - 12:6</p> <p><b>deliberate</b> [1] - 73:4</p> <p><b>deliberately</b> [2] - 73:19, 78:1</p> <p><b>delivery</b> [1] - 12:18</p> <p><b>denied</b> [3] - 65:7, 74:7, 82:20</p> <p><b>denying</b> [1] - 43:12</p> <p><b>Department</b> [2] - 27:13, 65:6</p> <p><b>departments</b> [1] - 26:13</p> <p><b>deposition</b> [3] - 65:9, 66:13, 66:19</p> <p><b>depositions</b> [8] - 64:6, 64:8, 64:19, 65:17, 65:22, 66:7, 66:15</p> <p><b>depressants</b> [1] - 3:18</p> <p><b>derived</b> [1] - 11:2</p> <p><b>described</b> [5] - 3:17, 16:23, 41:13, 53:14, 53:15</p> <p><b>designation</b> [1] - 4:3</p> <p><b>detailed</b> [5] - 28:1, 37:1, 37:9, 55:18, 83:15</p> <p><b>detained</b> [1] - 70:18</p> <p><b>deteriorate</b> [1] - 3:24</p> <p><b>determination</b> [2] - 51:19, 84:4</p> <p><b>determine</b> [7] - 31:22, 33:13, 33:24, 34:1, 44:16, 48:18, 50:7</p> <p><b>determining</b> [1] - 79:5</p> <p><b>deterrence</b> [1] - 45:19</p> <p><b>develop</b> [1] - 62:18</p> <p><b>Devens</b> [3] - 3:19, 4:16, 5:8</p> <p><b>device</b> [3] - 84:15, 84:17, 84:24</p> <p><b>devise</b> [1] - 11:6</p> <p><b>diet</b> [1] - 5:15</p> <p><b>difference</b> [1] - 56:7</p> <p><b>different</b> [13] - 4:2, 30:16, 46:18, 53:14, 53:23, 56:23, 58:3, 68:5, 68:6, 78:13, 80:13, 83:8, 90:11</p> <p><b>difficult</b> [3] - 10:14, 40:10, 52:6</p> <p><b>difficulty</b> [1] - 24:17</p> <p><b>diplomatic</b> [1] - 75:19</p>
---	---	--



<p><b>dire</b> [1] - 17:22  <b>direct</b> [1] - 3:12  <b>direction</b> [1] - 55:13  <b>directly</b> [2] - 55:4, 74:22  <b>dirs</b> [1] - 6:20  <b>disadvantage</b> [1] - 77:3  <b>disagree</b> [1] - 8:8  <b>disagreement</b> [3] - 16:4, 22:5, 22:12  <b>disagreements</b> [1] - 15:22  <b>disclose</b> [1] - 62:11  <b>disclosed</b> [1] - 11:10  <b>disclosure</b> [8] - 13:7, 13:11, 13:19, 62:4, 63:1, 91:13, 92:13, 93:6  <b>disclosures</b> [5] - 13:14, 14:15, 62:7, 62:16, 93:14  <b>discourage</b> [1] - 80:11  <b>discovered</b> [1] - 19:24  <b>discovery</b> [23] - 9:24, 10:2, 10:7, 10:24, 11:3, 12:16, 13:16, 14:15, 18:17, 19:23, 20:10, 20:16, 20:23, 20:24, 21:2, 21:19, 48:24, 60:8, 66:14, 72:14, 90:21, 91:3  <b>discuss</b> [10] - 5:19, 5:23, 16:19, 16:20, 18:3, 18:4, 46:7, 90:25, 91:18, 94:19  <b>discussed</b> [5] - 37:18, 42:19, 46:17, 62:25, 88:23  <b>discusses</b> [1] - 85:12  <b>discussing</b> [3] - 4:19, 18:6, 41:1  <b>discussion</b> [8] - 37:1, 52:16, 53:3, 55:4, 64:5, 74:6, 74:20, 81:23  <b>discussions</b> [1] - 68:17  <b>disfavored</b> [1] - 86:13  <b>dispute</b> [2] - 21:22, 21:23  <b>distinguish</b> [2] - 45:17, 70:2  <b>distinguishes</b> [1] - 32:4  <b>distribute</b> [2] - 16:10, 16:12  <b>district</b> [8] - 3:13, 3:20, 4:8, 5:2, 28:17, 45:12, 67:20, 81:9  <b>District</b> [1] - 28:17  <b>DISTRICT</b> [3] - 1:1, 1:1, 1:12  <b>docket</b> [1] - 3:2  <b>doctrine</b> [4] - 79:2, 79:6, 86:24  <b>document</b> [2] - 22:22, 23:6  <b>documents</b> [7] - 12:20, 24:3, 25:5, 25:12, 48:12, 69:3, 69:5  <b>DOLAN</b> [5] - 1:24, 52:15, 53:10, 55:12, 58:3  <b>Dolan</b> [11] - 6:2, 51:2, 51:5, 52:14, 53:19, 55:7, 58:2, 59:3, 59:6, 59:17, 95:6  <b>domestic</b> [1] - 63:15  <b>done</b> [8] - 14:13, 15:24, 27:14, 29:15, 43:5, 60:17, 66:10, 87:22  <b>DORA</b> [1] - 1:11  <b>DORIC</b> [1] - 2:3  <b>down</b> [2] - 37:25, 40:7  <b>drafting</b> [1] - 44:2  <b>drive</b> [5] - 84:16, 84:20, 90:6, 90:9, 90:13  <b>Drug</b> [1] - 31:14  <b>drug</b> [1] - 32:13  <b>dual</b> [1] - 56:17</p>	<p><b>due</b> [1] - 83:22  <b>during</b> [4] - 28:10, 29:21, 57:9, 68:3  <b>duty</b> [3] - 62:9, 76:11, 87:19</p> <p style="text-align: center;"><b>E</b></p> <p><b>e-mail</b> [4] - 18:14, 95:13, 95:15  <b>earliest</b> [1] - 13:22  <b>early</b> [4] - 13:9, 13:10, 13:18, 63:17  <b>ease</b> [1] - 33:21  <b>easier</b> [3] - 79:11, 93:8, 95:15  <b>easily</b> [1] - 77:19  <b>east</b> [1] - 33:16  <b>East</b> [1] - 2:7  <b>EASTERN</b> [1] - 1:1  <b>ECF</b> [1] - 94:9  <b>Eddye</b> [1] - 85:19  <b>effect</b> [2] - 23:22, 49:14  <b>effectively</b> [1] - 46:20  <b>effectuating</b> [1] - 80:23  <b>effort</b> [3] - 9:7, 48:14, 72:23  <b>efforts</b> [2] - 41:4, 46:19  <b>eight</b> [1] - 56:22  <b>either</b> [8] - 21:13, 22:6, 63:12, 64:20, 70:14, 72:6, 76:5, 89:5  <b>EI</b> [5] - 38:22, 39:5, 39:6, 54:13, 55:2  <b>El-Hage</b> [2] - 54:13, 55:2  <b>El-Hage's</b> [1] - 38:22  <b>electronic</b> [6] - 31:15, 31:18, 84:15, 84:23, 90:11, 90:12  <b>element</b> [2] - 56:5, 58:1  <b>elements</b> [1] - 54:20  <b>elicit</b> [1] - 78:2  <b>elicited</b> [2] - 69:14, 73:19  <b>eliciting</b> [1] - 68:22  <b>embassies</b> [1] - 33:16  <b>embassy</b> [6] - 38:2, 41:1, 41:16, 42:21, 43:2, 75:20  <b>Embassy-1</b> [1] - 81:4  <b>Embassy-2</b> [8] - 33:21, 34:12, 35:4, 35:5, 36:25, 37:13, 44:25, 45:6  <b>Embassy-3</b> [3] - 68:10, 74:20, 79:8  <b>emergency</b> [1] - 50:19  <b>encountered</b> [1] - 65:12  <b>encourage</b> [2] - 66:3, 66:10  <b>end</b> [12] - 5:24, 7:25, 9:3, 17:9, 18:13, 18:16, 27:1, 32:9, 37:12, 66:15, 72:12, 90:19  <b>endeavor</b> [1] - 27:14  <b>ended</b> [1] - 33:5  <b>enforcement</b> [10] - 27:11, 28:14, 28:25, 29:11, 29:15, 30:15, 44:17, 81:16, 85:18, 88:22  <b>Enforcement</b> [1] - 31:14  <b>enforcement's</b> [1] - 43:4  <b>engage</b> [6] - 28:19, 40:19, 41:4, 44:15, 45:11, 88:9  <b>engaged</b> [9] - 6:19, 16:23, 17:13, 17:14, 37:1, 39:14, 40:19, 83:11, 88:22  <b>engaging</b> [5] - 35:12, 35:15, 37:21, 46:18</p>	<p><b>ensure</b> [14] - 6:10, 13:6, 27:14, 28:6, 40:23, 47:11, 47:14, 48:14, 48:16, 70:22, 70:24, 71:1, 74:13, 86:8  <b>entail</b> [1] - 71:23  <b>enter</b> [1] - 65:15  <b>entire</b> [2] - 68:5, 79:1  <b>entirely</b> [1] - 68:5  <b>equation</b> [1] - 71:4  <b>equivalently</b> [1] - 42:21  <b>err</b> [1] - 94:22  <b>error</b> [1] - 55:19  <b>especially</b> [5] - 15:17, 24:14, 41:11, 44:1, 56:22  <b>ESQ</b> [8] - 1:20, 1:21, 1:23, 1:24, 2:1, 2:1, 2:3, 2:3  <b>essence</b> [1] - 81:2  <b>essentially</b> [3] - 38:21, 57:10, 58:22  <b>establish</b> [1] - 21:5  <b>established</b> [2] - 20:15, 50:6  <b>et</b> [1] - 3:2  <b>event</b> [1] - 92:10  <b>events</b> [1] - 6:11  <b>eventual</b> [1] - 77:8  <b>evidence</b> [34] - 11:2, 13:15, 19:11, 20:17, 20:24, 21:2, 23:22, 24:7, 24:23, 25:1, 27:1, 30:1, 31:15, 32:15, 32:24, 33:2, 33:3, 39:18, 44:14, 45:14, 45:17, 48:1, 52:20, 56:12, 56:24, 57:8, 57:13, 57:15, 57:25, 62:2, 77:8, 86:21, 88:17, 89:22  <b>evidentiary</b> [3] - 47:4, 47:5, 47:12  <b>ex</b> [1] - 86:1  <b>exact</b> [1] - 29:25  <b>exacting</b> [2] - 46:3, 82:19  <b>exactly</b> [4] - 39:4, 39:20, 40:8, 81:19  <b>examination</b> [1] - 21:18  <b>example</b> [3] - 29:2, 54:19, 62:15  <b>Except</b> [1] - 83:3  <b>except</b> [1] - 86:6  <b>exception</b> [5] - 20:25, 28:24, 44:10, 45:9, 62:25  <b>exceptions</b> [1] - 37:10  <b>exchange</b> [1] - 31:17  <b>Exchange</b> [1] - 14:25  <b>exchanged</b> [1] - 15:5  <b>exchanges</b> [1] - 14:23  <b>exclude</b> [1] - 86:21  <b>exclusion</b> [2] - 20:25, 44:6  <b>exclusionary</b> [5] - 45:10, 80:4, 80:10, 86:10, 86:12  <b>exculpatory</b> [2] - 62:13, 62:21  <b>excusable</b> [2] - 29:5, 29:6  <b>execute</b> [1] - 40:3  <b>executed</b> [9] - 29:1, 29:19, 30:4, 30:16, 39:4, 39:5, 39:7, 39:23, 45:24  <b>executing</b> [2] - 29:4  <b>execution</b> [1] - 31:11  <b>exercise</b> [1] - 70:17  <b>exhaustively</b> [1] - 86:8  <b>Exhibit</b> [1] - 30:6  <b>existed</b> [1] - 55:24  <b>existence</b> [6] - 39:25, 54:20, 56:5,</p>
--	--	--

<p>57:19, 60:8, 71:22  <b>exists</b> [1] - 82:10  <b>exit</b> [1] - 26:21  <b>expands</b> [1] - 38:17  <b>expect</b> [1] - 46:2  <b>expectation</b> [1] - 6:16  <b>expected</b> [1] - 91:9  <b>expedite</b> [1] - 13:9  <b>experience</b> [3] - 15:21, 64:15, 65:24  <b>expert</b> [7] - 10:3, 10:6, 90:24, 91:3, 91:7, 91:15  <b>experts</b> [5] - 14:15, 90:23, 92:11, 93:4, 93:6  <b>Explain</b> [1] - 79:19  <b>explain</b> [2] - 80:2, 81:12  <b>explanation</b> [1] - 28:22  <b>explicit</b> [1] - 58:5  <b>explosives</b> [12] - 34:15, 34:18, 36:9, 36:11, 36:15, 36:22, 38:6, 38:7, 38:10, 38:13, 39:12, 39:15  <b>express</b> [1] - 5:21  <b>expressed</b> [1] - 10:25  <b>expressly</b> [1] - 85:22  <b>extended</b> [1] - 79:16  <b>extensive</b> [6] - 8:13, 27:24, 28:1, 31:17, 74:19, 82:17  <b>extensively</b> [1] - 56:21  <b>extent</b> [8] - 23:3, 23:5, 23:20, 23:24, 57:2, 66:6, 73:16, 73:17  <b>extra</b> [3] - 45:7, 48:5, 60:18  <b>extradite</b> [1] - 70:8  <b>extradited</b> [2] - 70:22, 76:6  <b>extradition</b> [37] - 53:8, 54:6, 67:4, 68:1, 68:24, 69:2, 69:9, 70:15, 70:23, 71:8, 73:14, 73:22, 73:23, 73:25, 74:4, 74:10, 74:14, 76:3, 76:4, 76:9, 76:25, 77:5, 77:9, 77:13, 78:8, 82:17, 83:1, 83:2, 83:7, 84:2, 84:5, 86:6, 87:13, 87:25, 88:3, 88:14  <b>extraditions</b> [1] - 82:24  <b>extrajudicial</b> [1] - 78:9  <b>extreme</b> [1] - 86:14  <b>eye</b> [2] - 15:11, 32:7</p>	<p><b>facts</b> [15] - 22:24, 26:6, 39:1, 41:22, 41:23, 41:25, 42:7, 42:13, 42:14, 42:15, 42:23, 43:1, 43:13, 79:5  <b>factual</b> [1] - 29:24  <b>failure</b> [1] - 87:22  <b>fair</b> [1] - 80:20  <b>fairly</b> [2] - 31:21, 66:24  <b>faith</b> [5] - 28:24, 29:3, 29:14, 44:9, 45:9  <b>fall</b> [5] - 13:6, 36:20, 44:23, 47:25, 81:12  <b>fall-back</b> [1] - 81:12  <b>falls</b> [1] - 79:19  <b>familiar</b> [3] - 70:25, 72:7, 83:6  <b>family</b> [2] - 31:4, 39:5  <b>far</b> [11] - 7:8, 12:16, 31:9, 31:20, 34:11, 37:15, 55:18, 58:6, 66:2, 66:23, 73:20  <b>far-reaching</b> [2] - 55:18, 58:6  <b>fault</b> [1] - 43:23  <b>faulted</b> [1] - 44:7  <b>favor</b> [2] - 21:3, 36:20  <b>FBI</b> [26] - 20:14, 21:10, 21:13, 21:19, 21:23, 22:1, 27:13, 27:19, 40:6, 44:11, 44:14, 46:21, 46:22, 46:25, 47:1, 47:8, 47:23, 48:8, 48:10, 48:12, 49:7, 49:14, 50:10, 50:11, 89:13, 94:18  <b>FBI's</b> [3] - 19:21, 21:5, 47:19  <b>feasible</b> [1] - 9:15  <b>February</b> [4] - 1:8, 7:25, 9:3, 59:22  <b>Federal</b> [1] - 10:10  <b>few</b> [4] - 11:20, 58:3, 62:24, 82:22  <b>Fifth</b> [5] - 33:19, 68:12, 68:21, 74:19, 80:6  <b>fight</b> [3] - 70:23, 76:6, 76:25  <b>figure</b> [2] - 16:16, 78:8  <b>figuring</b> [2] - 38:12, 41:6  <b>file</b> [9] - 9:4, 91:6, 92:15, 92:16, 92:17, 92:18, 93:5, 93:12  <b>filed</b> [9] - 9:9, 13:21, 31:2, 36:12, 38:9, 67:4, 69:6, 72:25, 75:3  <b>filing</b> [5] - 27:24, 67:12, 67:22, 76:21, 92:21  <b>filled</b> [1] - 16:14  <b>final</b> [1] - 84:3  <b>finalized</b> [1] - 15:9  <b>Finally</b> [1] - 87:24  <b>finally</b> [1] - 58:18  <b>Fine</b> [1] - 14:9  <b>fine</b> [14] - 4:1, 4:11, 7:20, 14:10, 15:4, 16:22, 46:2, 61:12, 61:22, 66:17, 92:2, 93:16, 94:14, 94:16  <b>fire</b> [1] - 50:21  <b>firearms</b> [6] - 34:15, 34:17, 36:9, 36:11, 36:15, 38:6  <b>first</b> [17] - 7:7, 7:13, 10:24, 17:10, 18:1, 25:3, 29:20, 30:18, 31:23, 43:9, 54:11, 63:23, 66:13, 82:12, 82:22, 85:14, 90:4  <b>First</b> [2] - 20:12, 71:10  <b>fit</b> [1] - 79:15  <b>fits</b> [1] - 93:11  <b>focus</b> [1] - 84:16  <b>follow</b> [7] - 6:22, 7:2, 20:18, 23:9,</p>	<p>26:9, 41:24, 81:14  <b>follow-up</b> [4] - 6:22, 23:9, 26:9, 41:24  <b>followed</b> [8] - 43:22, 45:22, 45:23, 56:9, 76:8, 79:23, 86:9, 90:2  <b>following</b> [1] - 79:21  <b>follows</b> [2] - 18:23, 86:19  <b>footnote</b> [2] - 45:6, 55:4  <b>foreign</b> [31] - 31:24, 35:5, 43:20, 44:11, 44:20, 45:3, 45:16, 45:21, 46:3, 63:13, 64:7, 64:17, 64:23, 65:21, 68:18, 68:19, 69:25, 70:1, 70:22, 71:2, 71:3, 72:5, 72:7, 76:17, 76:24, 77:12, 77:14, 78:24, 79:12, 79:16, 89:22  <b>foresee</b> [1] - 14:1  <b>Forgive</b> [1] - 43:23  <b>forgot</b> [1] - 61:15  <b>fork</b> [1] - 4:12  <b>form</b> [5] - 13:16, 22:6, 54:3, 59:24, 60:17  <b>forma</b> [1] - 71:17  <b>formally</b> [1] - 51:11  <b>format</b> [1] - 18:11  <b>formation</b> [1] - 80:14  <b>forth</b> [16] - 11:11, 21:12, 25:5, 28:16, 30:20, 30:22, 33:25, 36:14, 38:25, 41:10, 42:4, 42:20, 48:19, 52:23, 57:7, 58:8  <b>forward</b> [3] - 11:5, 18:20, 30:20  <b>four</b> [5] - 10:17, 63:21, 85:3, 85:8, 86:19  <b>Fourth</b> [13] - 31:21, 35:6, 37:4, 37:6, 42:12, 42:18, 43:3, 44:6, 45:20, 79:16, 80:5, 85:11, 89:6  <b>frame</b> [3] - 4:18, 64:16, 78:21  <b>framework</b> [1] - 77:11  <b>Frankly</b> [1] - 87:25  <b>frankly</b> [3] - 31:19, 74:9, 75:10  <b>free</b> [1] - 37:7  <b>freedom</b> [1] - 37:7  <b>fresh</b> [2] - 49:13  <b>Friday</b> [2] - 16:17, 16:25  <b>friend</b> [1] - 39:6  <b>Frisbie</b> [1] - 88:3  <b>front</b> [2] - 8:11, 82:2  <b>frozen</b> [1] - 46:19  <b>fruits</b> [2] - 29:12, 40:8  <b>funding</b> [1] - 34:20  <b>furthering</b> [1] - 49:22</p>
<p style="text-align: center;"><b>F</b></p> <p><b>F.2d</b> [1] - 86:2  <b>F.3d</b> [7] - 20:21, 33:17, 33:21, 54:12, 55:3, 55:13, 68:12  <b>face</b> [1] - 25:16  <b>facially</b> [1] - 27:2  <b>facilitation</b> [1] - 66:6  <b>facility</b> [2] - 4:16, 5:14  <b>fact</b> [31] - 3:25, 5:9, 7:15, 15:23, 23:16, 25:4, 26:25, 27:10, 31:16, 32:17, 35:15, 35:23, 35:24, 36:14, 37:1, 38:4, 41:14, 49:3, 53:16, 54:16, 67:24, 68:25, 74:11, 75:23, 77:12, 80:16, 81:3, 81:5, 83:5, 83:17  <b>fact-finding</b> [1] - 35:15  <b>factor</b> [1] - 45:19  <b>factors</b> [1] - 44:25</p>	<p><b>filled</b> [1] - 16:14  <b>final</b> [1] - 84:3  <b>finalized</b> [1] - 15:9  <b>Finally</b> [1] - 87:24  <b>finally</b> [1] - 58:18  <b>Fine</b> [1] - 14:9  <b>fine</b> [14] - 4:1, 4:11, 7:20, 14:10, 15:4, 16:22, 46:2, 61:12, 61:22, 66:17, 92:2, 93:16, 94:14, 94:16  <b>fire</b> [1] - 50:21  <b>firearms</b> [6] - 34:15, 34:17, 36:9, 36:11, 36:15, 38:6  <b>first</b> [17] - 7:7, 7:13, 10:24, 17:10, 18:1, 25:3, 29:20, 30:18, 31:23, 43:9, 54:11, 63:23, 66:13, 82:12, 82:22, 85:14, 90:4  <b>First</b> [2] - 20:12, 71:10  <b>fit</b> [1] - 79:15  <b>fits</b> [1] - 93:11  <b>focus</b> [1] - 84:16  <b>follow</b> [7] - 6:22, 7:2, 20:18, 23:9,</p>	<p style="text-align: center;"><b>G</b></p> <p><b>gain</b> [1] - 77:8  <b>gained</b> [3] - 3:15, 4:17, 84:8  <b>gather</b> [1] - 14:19  <b>gathered</b> [3] - 33:2, 33:3, 44:14  <b>gathering</b> [4] - 31:15, 45:17, 45:18, 65:19  <b>general</b> [6] - 4:10, 5:6, 7:2, 46:3, 56:9, 62:22  <b>General</b> [1] - 75:14  <b>generally</b> [3] - 13:8, 60:9, 86:13  <b>Gengler</b> [1] - 86:2</p>

<p><b>Georgetown</b> [2] - 25:2, 25:18  <b>Giglio</b> [3] - 62:7, 62:16, 62:22  <b>Given</b> [4] - 7:15, 26:3, 43:19, 43:24  <b>given</b> [28] - 3:25, 7:13, 7:14, 7:20, 7:24, 7:25, 10:11, 10:13, 12:16, 20:4, 23:9, 23:20, 27:3, 43:22, 44:1, 48:20, 49:8, 56:10, 60:16, 62:8, 66:12, 69:15, 74:25, 75:16, 83:5, 83:20, 89:9  <b>glad</b> [1] - 7:6  <b>gleaned</b> [1] - 69:4  <b>global</b> [1] - 78:17  <b>globally</b> [1] - 80:1  <b>goal</b> [2] - 77:5, 78:7  <b>government</b> [163] - 6:9, 7:9, 8:25, 9:23, 10:3, 10:4, 10:6, 11:3, 12:20, 15:22, 15:25, 18:9, 19:16, 20:9, 20:11, 21:4, 22:13, 22:18, 23:4, 23:25, 24:15, 24:16, 25:17, 25:19, 26:14, 26:19, 26:21, 27:9, 27:11, 27:15, 27:23, 28:10, 28:14, 29:19, 30:21, 31:1, 31:2, 31:8, 31:11, 31:24, 32:1, 32:3, 32:5, 32:16, 32:19, 32:20, 32:23, 32:24, 33:9, 34:6, 34:16, 35:14, 36:6, 36:16, 36:18, 36:22, 37:20, 38:10, 38:11, 38:12, 38:16, 38:19, 38:24, 39:3, 39:8, 39:13, 39:25, 40:1, 40:2, 40:10, 40:12, 41:2, 41:13, 41:15, 42:16, 42:19, 43:21, 44:2, 44:11, 44:13, 45:3, 45:21, 49:2, 49:5, 49:6, 50:3, 50:9, 51:12, 51:23, 52:10, 52:21, 53:18, 56:21, 57:2, 57:9, 58:10, 59:19, 60:20, 61:21, 62:8, 63:24, 64:7, 65:11, 65:22, 66:5, 66:8, 67:19, 67:24, 68:16, 68:22, 69:14, 69:16, 69:23, 70:7, 70:9, 70:10, 70:11, 70:13, 70:19, 70:21, 71:1, 71:6, 71:9, 71:10, 72:4, 72:10, 72:17, 72:21, 73:5, 73:20, 73:21, 73:24, 74:1, 74:9, 74:11, 74:12, 74:19, 74:22, 76:1, 76:8, 76:11, 76:23, 77:2, 77:18, 77:24, 78:1, 78:2, 78:4, 78:11, 81:25, 82:8, 82:16, 85:5, 87:18, 87:21, 90:6, 90:22, 91:15, 91:19, 92:7  <b>Government</b> [22] - 1:16, 26:8, 26:11, 29:13, 30:14, 32:2, 33:8, 35:2, 36:10, 38:19, 39:21, 40:13, 41:6, 41:15, 67:11, 71:11, 72:22, 74:4, 76:16, 77:1, 84:14, 89:1  <b>government's</b> [25] - 6:16, 19:19, 21:3, 22:24, 24:12, 27:16, 30:3, 34:9, 34:19, 37:13, 38:25, 40:9, 48:20, 48:23, 52:16, 58:4, 59:11, 62:3, 66:6, 73:6, 89:2, 89:8, 89:14, 89:21, 93:20  <b>governmental</b> [7] - 36:3, 39:18, 40:14, 40:21, 41:6, 41:10, 42:22  <b>governments</b> [3] - 85:19, 85:23, 89:23  <b>grant</b> [1] - 21:15  <b>grappling</b> [1] - 81:8  <b>great</b> [1] - 36:20  <b>grounds</b> [1] - 25:7  <b>Guantanamo</b> [1] - 75:9  <b>guess</b> [9] - 12:6, 20:18, 24:18, 25:21, 28:3, 34:21, 41:24, 49:1, 93:8  <b>guilt</b> [1] - 57:6  <b>Guyana</b> [28] - 25:2, 26:9, 27:4, 27:15,</p>	<p>27:20, 27:21, 27:24, 28:5, 28:8, 28:11, 29:7, 29:18, 29:21, 30:9, 31:5, 38:11, 40:5, 40:7, 43:5, 44:14, 46:18, 63:13, 65:21, 81:21, 88:21, 89:17, 94:15  <b>Guyana's</b> [1] - 30:15  <b>Guyanese</b> [41] - 25:8, 25:16, 26:1, 26:12, 26:17, 26:18, 26:21, 26:22, 26:25, 27:6, 27:10, 28:14, 28:15, 28:20, 28:22, 28:25, 29:11, 29:14, 29:15, 29:19, 31:2, 31:3, 32:16, 33:13, 34:2, 36:13, 37:24, 39:24, 40:1, 40:2, 40:12, 41:13, 42:16, 43:4, 44:15, 44:16, 44:17, 88:22, 88:25</p> <p style="text-align: center;"><b>H</b></p> <p><b>habeas</b> [5] - 69:6, 69:11, 74:7, 75:8, 82:21  <b>Hage</b> [4] - 39:5, 39:6, 54:13, 55:2  <b>Hage's</b> [1] - 38:22  <b>half</b> [3] - 16:12, 16:13, 16:14  <b>hand</b> [6] - 15:9, 15:10, 17:4, 17:9, 72:17, 84:14  <b>hand-out</b> [1] - 17:4  <b>handed</b> [1] - 7:4  <b>handing</b> [4] - 16:24, 17:8, 17:21, 62:21  <b>handle</b> [1] - 94:5  <b>handling</b> [1] - 51:5  <b>hands</b> [1] - 30:5  <b>hands-off</b> [1] - 30:5  <b>happy</b> [5] - 13:8, 22:6, 22:9, 27:17, 43:6  <b>hard</b> [2] - 51:25, 60:18  <b>harmless</b> [1] - 55:20  <b>hate</b> [1] - 60:18  <b>health</b> [2] - 4:16, 4:18  <b>hear</b> [7] - 3:10, 8:6, 14:3, 27:8, 52:9, 53:1, 53:18  <b>heard</b> [5] - 4:13, 4:16, 64:9, 64:21, 81:22  <b>hearing</b> [29] - 8:9, 8:13, 13:15, 13:20, 13:23, 13:25, 14:1, 14:4, 20:1, 21:16, 21:23, 22:4, 22:16, 23:21, 23:25, 24:6, 24:21, 27:15, 35:8, 42:1, 60:1, 60:2, 60:6, 61:18, 93:23, 94:6, 94:13, 95:9  <b>HEARING</b> [1] - 1:11  <b>hearings</b> [7] - 8:6, 8:9, 8:22, 10:15, 10:22, 68:25, 94:11  <b>Heath</b> [1] - 20:20  <b>held</b> [10] - 8:9, 13:21, 20:24, 31:13, 35:5, 55:19, 68:19, 69:9, 69:25, 84:5  <b>helpful</b> [1] - 19:6  <b>high</b> [6] - 21:1, 31:22, 32:22, 32:23, 33:7, 33:11  <b>himself</b> [1] - 70:6  <b>historical</b> [1] - 45:1  <b>hit</b> [2] - 21:21, 37:19  <b>hold</b> [1] - 48:20  <b>holds</b> [3] - 30:8, 49:23, 49:25  <b>home</b> [16] - 25:17, 27:7, 30:11, 30:12, 30:13, 36:4, 36:6, 36:18, 37:4, 37:6,</p>	<p>37:8, 37:11, 37:15, 37:17, 38:3, 45:2  <b>Homeland</b> [1] - 65:6  <b>homes</b> [1] - 37:21  <b>Honor</b> [36] - 3:23, 6:5, 6:22, 7:1, 11:4, 11:16, 13:7, 17:13, 19:14, 23:7, 24:8, 27:25, 30:2, 34:13, 37:19, 38:1, 43:5, 53:1, 53:10, 57:13, 57:14, 57:21, 57:25, 59:6, 59:21, 61:24, 64:2, 64:10, 66:9, 67:8, 86:7, 87:24, 92:9, 93:21, 94:3, 95:17  <b>Honor's</b> [2] - 54:5  <b>HONORABLE</b> [1] - 1:11  <b>honored</b> [1] - 72:24  <b>hope</b> [2] - 76:6, 76:17  <b>hoping</b> [3] - 64:11, 66:22, 78:8  <b>hostile</b> [1] - 70:16  <b>house</b> [1] - 84:18  <b>housing</b> [1] - 4:3  <b>Hueston</b> [4] - 4:20, 6:2, 51:2, 95:7  <b>HUESTON</b> [7] - 1:23, 3:7, 3:11, 11:12, 51:5, 61:13, 95:8  <b>Hueston's</b> [1] - 4:17  <b>human</b> [1] - 75:4  <b>hurdles</b> [1] - 48:15  <b>hypothetical</b> [4] - 48:4, 48:6, 49:25, 52:5</p> <p style="text-align: center;"><b>I</b></p> <p><b>Ibrahim</b> [5] - 1:24, 3:5, 3:13, 67:1, 95:7  <b>IBRAHIM</b> [1] - 1:6  <b>Ibrahim's</b> [2] - 4:16, 54:11  <b>idea</b> [5] - 13:18, 15:9, 15:13, 38:15, 79:1  <b>identical</b> [1] - 42:22  <b>identified</b> [1] - 16:4  <b>identify</b> [2] - 15:24, 15:25  <b>identifying</b> [2] - 65:2, 91:6  <b>ignore</b> [2] - 81:3  <b>illegal</b> [2] - 80:11, 85:2  <b>imagine</b> [1] - 52:2  <b>immediately</b> [1] - 32:17  <b>immigration</b> [1] - 65:14  <b>impasse</b> [1] - 23:24  <b>impeachment</b> [1] - 62:14  <b>implications</b> [1] - 81:6  <b>implicit</b> [1] - 58:5  <b>important</b> [5] - 41:11, 44:10, 44:14, 58:8, 84:16  <b>importantly</b> [1] - 49:11  <b>imposes</b> [1] - 76:11  <b>impressed</b> [1] - 82:18  <b>inability</b> [1] - 80:17  <b>inappropriate</b> [1] - 86:25  <b>incarcerated</b> [1] - 10:18  <b>incarceration</b> [1] - 75:9  <b>incidents</b> [1] - 24:13  <b>inclined</b> [1] - 21:15  <b>included</b> [1] - 42:5  <b>including</b> [4] - 5:4, 51:9, 61:5, 86:1  <b>incorporating</b> [1] - 42:1</p>
--	--	---

<p><b>incredible</b> <sup>[1]</sup> - 25:18</p> <p><b>indeed</b> <sup>[3]</sup> - 38:12, 77:5, 84:21</p> <p><b>independent</b> <sup>[4]</sup> - 32:21, 32:25, 57:2, 85:17</p> <p><b>indicate</b> <sup>[1]</sup> - 24:24</p> <p><b>indicated</b> <sup>[5]</sup> - 9:1, 23:2, 23:4, 59:19, 93:23</p> <p><b>indicates</b> <sup>[3]</sup> - 16:2, 26:9, 32:20</p> <p><b>indicating</b> <sup>[1]</sup> - 45:13</p> <p><b>indication</b> <sup>[1]</sup> - 26:4</p> <p><b>indicia</b> <sup>[1]</sup> - 57:18</p> <p><b>indicting</b> <sup>[1]</sup> - 77:18</p> <p><b>indictment</b> <sup>[8]</sup> - 67:14, 73:8, 73:11, 77:17, 77:21, 77:23, 78:4, 78:7</p> <p><b>individual</b> <sup>[7]</sup> - 6:20, 19:1, 23:16, 40:16, 46:22, 52:3, 71:20</p> <p><b>individual's</b> <sup>[2]</sup> - 27:7, 36:2</p> <p><b>individuals</b> <sup>[7]</sup> - 34:18, 36:11, 39:14, 63:17, 63:19, 85:22, 85:23</p> <p><b>inevitable</b> <sup>[6]</sup> - 19:23, 20:10, 20:22, 20:24, 21:19, 48:23</p> <p><b>inevitably</b> <sup>[1]</sup> - 20:16</p> <p><b>inextricably</b> <sup>[1]</sup> - 52:19</p> <p><b>infer</b> <sup>[2]</sup> - 50:11, 50:12</p> <p><b>inform</b> <sup>[1]</sup> - 90:22</p> <p><b>informant</b> <sup>[6]</sup> - 24:14, 24:15, 48:9, 49:9, 50:8</p> <p><b>information</b> <sup>[22]</sup> - 4:5, 10:4, 10:5, 11:1, 11:2, 11:9, 19:17, 28:12, 31:17, 32:3, 32:25, 33:8, 34:16, 42:8, 45:18, 49:8, 63:15, 65:3, 65:11, 66:5, 82:3, 83:4</p> <p><b>informations</b> <sup>[1]</sup> - 90:5</p> <p><b>informed</b> <sup>[1]</sup> - 59:8</p> <p><b>inhabited</b> <sup>[1]</sup> - 37:22</p> <p><b>inherent</b> <sup>[1]</sup> - 45:19</p> <p><b>initial</b> <sup>[4]</sup> - 22:23, 69:7, 84:4, 85:5</p> <p><b>initialed</b> <sup>[1]</sup> - 23:13</p> <p><b>initiate</b> <sup>[2]</sup> - 71:7, 76:14</p> <p><b>initiated</b> <sup>[10]</sup> - 33:8, 67:18, 70:4, 70:6, 70:7, 70:19, 72:5, 72:8, 76:20</p> <p><b>initiating</b> <sup>[1]</sup> - 76:21</p> <p><b>initiation</b> <sup>[4]</sup> - 67:10, 67:20, 70:9, 71:5</p> <p><b>input</b> <sup>[1]</sup> - 44:2</p> <p><b>inquiry</b> <sup>[3]</sup> - 55:16, 57:1, 74:21</p> <p><b>instance</b> <sup>[2]</sup> - 7:7, 31:23</p> <p><b>instances</b> <sup>[1]</sup> - 52:23</p> <p><b>instant</b> <sup>[1]</sup> - 32:5</p> <p><b>institutional</b> <sup>[1]</sup> - 50:3</p> <p><b>instruct</b> <sup>[2]</sup> - 55:23, 56:18</p> <p><b>instructed</b> <sup>[2]</sup> - 54:16, 56:12</p> <p><b>instruction</b> <sup>[10]</sup> - 54:22, 54:25, 56:1, 56:9, 56:10, 57:13, 57:22, 57:23, 58:20, 58:23</p> <p><b>instructions</b> <sup>[1]</sup> - 55:9</p> <p><b>instrument</b> <sup>[1]</sup> - 67:22</p> <p><b>instrumentalities</b> <sup>[1]</sup> - 39:19</p> <p><b>insufficient</b> <sup>[1]</sup> - 55:10</p> <p><b>integrity</b> <sup>[2]</sup> - 47:16</p> <p><b>intelligence</b> <sup>[2]</sup> - 35:16, 45:16</p> <p><b>intend</b> <sup>[4]</sup> - 13:5, 53:20, 54:8, 94:17</p> <p><b>intended</b> <sup>[1]</sup> - 24:6</p> <p><b>intends</b> <sup>[1]</sup> - 64:7</p>	<p><b>intent</b> <sup>[1]</sup> - 80:3</p> <p><b>intention</b> <sup>[2]</sup> - 10:25, 32:20</p> <p><b>intentional</b> <sup>[1]</sup> - 38:21</p> <p><b>interest</b> <sup>[18]</sup> - 4:9, 9:8, 35:14, 36:6, 36:18, 37:13, 37:20, 38:12, 38:16, 38:24, 39:18, 39:21, 40:9, 40:21, 41:2, 41:6, 45:4</p> <p><b>interested</b> <sup>[1]</sup> - 31:5</p> <p><b>interesting</b> <sup>[2]</sup> - 18:21, 74:24</p> <p><b>interests</b> <sup>[11]</sup> - 36:3, 37:24, 37:25, 38:22, 39:3, 39:8, 39:9, 40:14, 41:10, 42:22, 70:16</p> <p><b>interior</b> <sup>[1]</sup> - 47:17</p> <p><b>International</b> <sup>[2]</sup> - 27:12, 40:20</p> <p><b>international</b> <sup>[1]</sup> - 63:9</p> <p><b>interrogate</b> <sup>[3]</sup> - 68:18, 70:11, 78:1</p> <p><b>interrogating</b> <sup>[1]</sup> - 69:16</p> <p><b>interrupt</b> <sup>[2]</sup> - 33:12, 55:8</p> <p><b>intertwine</b> <sup>[5]</sup> - 52:19, 58:12, 58:14, 58:19, 58:25</p> <p><b>intervention</b> <sup>[3]</sup> - 64:23, 65:22, 66:23</p> <p><b>introduce</b> <sup>[2]</sup> - 52:21, 53:21</p> <p><b>introduced</b> <sup>[1]</sup> - 56:24</p> <p><b>intrusion</b> <sup>[15]</sup> - 34:4, 34:10, 35:13, 36:2, 36:5, 36:17, 36:21, 37:3, 37:15, 38:17, 39:2, 41:12, 42:21, 42:23, 44:8</p> <p><b>intrusions</b> <sup>[1]</sup> - 37:7</p> <p><b>intrusive</b> <sup>[3]</sup> - 31:20, 34:11, 35:19</p> <p><b>inventoried</b> <sup>[2]</sup> - 22:2, 47:2</p> <p><b>inventory</b> <sup>[10]</sup> - 19:22, 20:14, 20:19, 21:6, 21:24, 28:21, 39:7, 47:6, 48:24, 94:19</p> <p><b>investigated</b> <sup>[1]</sup> - 33:10</p> <p><b>investigation</b> <sup>[13]</sup> - 25:4, 26:9, 28:19, 32:7, 32:13, 32:16, 32:21, 32:25, 33:2, 33:7, 39:22, 63:12</p> <p><b>investigations</b> <sup>[1]</sup> - 33:11</p> <p><b>investigatory</b> <sup>[1]</sup> - 32:12</p> <p><b>invited</b> <sup>[1]</sup> - 44:4</p> <p><b>invoke</b> <sup>[2]</sup> - 35:17, 35:24</p> <p><b>invoking</b> <sup>[2]</sup> - 35:8, 36:7</p> <p><b>involve</b> <sup>[1]</sup> - 11:11</p> <p><b>involved</b> <sup>[24]</sup> - 7:19, 28:2, 31:10, 31:16, 31:18, 31:19, 34:19, 37:22, 39:10, 40:1, 41:12, 43:18, 48:3, 56:17, 62:14, 68:14, 73:5, 73:24, 74:20, 74:22, 76:4, 80:16, 81:20, 94:10</p> <p><b>involvement</b> <sup>[6]</sup> - 25:19, 57:12, 68:22, 73:20, 73:25, 74:4</p> <p><b>involving</b> <sup>[1]</sup> - 28:2</p> <p><b>IRIZARRY</b> <sup>[1]</sup> - 1:11</p> <p><b>Islamic</b> <sup>[1]</sup> - 75:4</p> <p><b>issue</b> <sup>[51]</sup> - 3:14, 3:15, 7:6, 8:13, 9:22, 12:17, 12:21, 17:7, 20:2, 21:16, 21:25, 22:11, 22:17, 23:10, 23:19, 23:21, 24:25, 36:1, 37:11, 41:16, 43:1, 43:6, 43:19, 45:9, 46:7, 47:14, 49:6, 49:9, 49:11, 49:14, 49:19, 49:23, 50:16, 51:6, 51:7, 51:8, 51:18, 52:8, 52:9, 55:9, 55:11, 57:5, 59:2, 64:15, 65:14, 68:2, 80:13, 80:19, 84:25, 85:9</p> <p><b>issued</b> <sup>[4]</sup> - 45:1, 67:12, 67:14, 67:17</p>	<p><b>issues</b> <sup>[45]</sup> - 6:10, 8:8, 8:10, 8:12, 10:1, 10:11, 10:22, 11:6, 11:23, 12:12, 12:25, 13:12, 13:19, 14:2, 14:4, 14:15, 18:3, 18:17, 18:21, 18:24, 18:25, 19:6, 19:10, 23:1, 23:24, 33:19, 37:18, 39:1, 44:23, 44:24, 51:17, 58:16, 59:7, 60:10, 67:1, 68:12, 78:16, 78:21, 80:1, 83:18, 85:14, 90:21, 94:13</p> <p><b>items</b> <sup>[16]</sup> - 19:23, 21:25, 22:2, 26:7, 32:18, 32:19, 34:20, 34:21, 35:1, 47:1, 47:3, 47:9, 47:10, 48:13, 48:16, 59:16</p> <p><b>itself</b> <sup>[6]</sup> - 5:10, 34:14, 85:22, 87:1, 88:9, 89:25</p> <p style="text-align: center;"><b>J</b></p> <p><b>jail</b> <sup>[1]</sup> - 76:17</p> <p><b>Jamatt</b> <sup>[1]</sup> - 58:10</p> <p><b>Jan</b> <sup>[1]</sup> - 86:1</p> <p><b>JFK</b> <sup>[2]</sup> - 28:3, 40:20</p> <p><b>job</b> <sup>[1]</sup> - 27:19</p> <p><b>joined</b> <sup>[1]</sup> - 62:2</p> <p><b>joint</b> <sup>[10]</sup> - 25:8, 29:8, 30:14, 31:14, 31:23, 33:14, 34:22, 40:12, 79:1, 79:6</p> <p><b>JTTF</b> <sup>[11]</sup> - 30:15, 40:7, 46:21, 46:25, 47:8, 47:23, 48:8, 48:10, 48:12, 48:21, 89:13</p> <p><b>JUDGE</b> <sup>[1]</sup> - 1:12</p> <p><b>Judge</b> <sup>[9]</sup> - 54:16, 56:1, 56:2, 56:11, 57:23, 59:16, 79:25, 81:11, 90:15</p> <p><b>judge</b> <sup>[9]</sup> - 40:18, 45:13, 69:8, 74:7, 82:20, 83:9, 84:2, 84:3, 84:4</p> <p><b>judges</b> <sup>[3]</sup> - 4:24, 80:7, 83:11</p> <p><b>judgment</b> <sup>[1]</sup> - 40:2</p> <p><b>judicial</b> <sup>[1]</sup> - 78:9</p> <p><b>July</b> <sup>[1]</sup> - 17:6</p> <p><b>June</b> <sup>[21]</sup> - 6:14, 8:2, 8:17, 9:12, 9:15, 11:19, 11:22, 14:21, 15:11, 15:12, 16:3, 17:10, 17:15, 30:5, 30:6, 30:13, 67:17, 67:18, 67:23, 91:23</p> <p><b>jurisdiction</b> <sup>[8]</sup> - 63:13, 64:17, 64:23, 70:15, 70:17, 70:18, 72:20, 77:14</p> <p><b>jurisdictions</b> <sup>[2]</sup> - 10:19, 43:20</p> <p><b>jurisprudence</b> <sup>[1]</sup> - 37:5</p> <p><b>jurors</b> <sup>[9]</sup> - 6:21, 7:22, 16:9, 16:11, 16:19, 17:2, 17:20, 17:21, 18:6</p> <p><b>Jury</b> <sup>[1]</sup> - 17:24</p> <p><b>jury</b> <sup>[42]</sup> - 6:17, 6:19, 7:3, 7:9, 7:12, 7:17, 7:21, 8:25, 9:11, 9:21, 11:18, 11:20, 11:25, 14:18, 14:20, 14:22, 15:8, 15:12, 15:15, 15:20, 16:2, 16:10, 16:12, 17:5, 17:17, 17:19, 18:11, 54:16, 54:23, 54:25, 55:23, 56:8, 56:11, 56:18, 57:4, 58:21, 58:23, 90:20, 92:22, 93:9, 93:12</p> <p><b>Justice</b> <sup>[2]</sup> - 27:13, 80:9</p> <p><b>justice</b> <sup>[1]</sup> - 5:1</p> <p><b>justify</b> <sup>[1]</sup> - 87:18</p> <p style="text-align: center;"><b>K</b></p> <p><b>KADIR</b> <sup>[1]</sup> - 1:6</p>
---	--	--



<p><b>Kadir</b> [6] - 2:2, 13:2, 14:9, 59:5, 78:14, 79:14</p> <p><b>Kadir's</b> [4] - 30:11, 30:12, 30:13, 88:12</p> <p><b>Kamdang</b> [1] - 19:13</p> <p><b>KAMDANG</b> [1] - 1:21</p> <p><b>KAREEM</b> [1] - 1:6</p> <p><b>keep</b> [3] - 17:20, 26:8, 49:12</p> <p><b>Kenyan</b> [3] - 38:18, 38:19, 41:14</p> <p><b>kept</b> [1] - 11:6</p> <p><b>Ker</b> [1] - 88:3</p> <p><b>Ker-Frisbie</b> [1] - 88:3</p> <p><b>key</b> [1] - 46:15</p> <p><b>keys</b> [10] - 47:20, 48:5, 48:21, 49:8, 49:10, 49:12, 49:13, 49:21, 49:24, 50:10</p> <p><b>kids</b> [1] - 15:18</p> <p><b>KIFAHNI</b> [1] - 2:1</p> <p><b>kind</b> [12] - 6:24, 26:8, 30:10, 32:15, 43:12, 50:5, 50:17, 51:20, 65:20, 69:16, 78:17, 92:7</p> <p><b>Kingdom</b> [1] - 83:13</p> <p><b>Kirby</b> [1] - 71:4</p> <p><b>knowledge</b> [2] - 29:8, 71:23</p> <p><b>knows</b> [2] - 71:20, 94:9</p> <p><b>Knox</b> [2] - 74:8, 75:11</p>	<p><b>legally</b> [2] - 21:4,</p> <p><b>Legat</b> [2] - 27:20</p> <p><b>legitimate</b> [16] - 20:12, 34:23, 36:3, 37:20, 38:10, 38:11, 38:16, 38:24, 39:3, 39:8, 39:17, 40:14, 40:21, 41:6, 41:10, 42:22</p> <p><b>LEN</b> [1] - 1:21</p> <p><b>length</b> [2] - 7:20, 17:1</p> <p><b>lengthy</b> [3] - 68:17, 82:17, 83:15</p> <p><b>Leon</b> [3] - 28:24, 29:5, 44:9</p> <p><b>less</b> [7] - 29:7, 29:8, 34:11, 35:19, 35:23, 41:14, 42:20</p> <p><b>letter</b> [8] - 20:9, 45:23, 60:8, 65:20, 66:14, 90:2, 92:25, 93:1</p> <p><b>level</b> [3] - 6:20, 21:1, 31:7</p> <p><b>liaison</b> [1] - 27:19</p> <p><b>library</b> [1] - 44:15</p> <p><b>lies</b> [1] - 37:6</p> <p><b>life</b> [1] - 93:14</p> <p><b>likely</b> [1] - 57:4</p> <p><b>limited</b> [3] - 22:3, 22:9, 24:5</p> <p><b>limiting</b> [3] - 55:9, 56:9, 58:20</p> <p><b>line</b> [1] - 68:11</p> <p><b>lines</b> [1] - 50:23</p> <p><b>link</b> [1] - 26:25</p> <p><b>list</b> [1] - 47:2</p> <p><b>listed</b> [3] - 38:5, 38:6, 38:18</p> <p><b>litigate</b> [1] - 87:25</p> <p><b>litigated</b> [1] - 23:25</p> <p><b>litigation</b> [2] - 74:5, 84:1</p> <p><b>Llamas</b> [1] - 87:9</p> <p><b>loaned</b> [1] - 48:9</p> <p><b>local</b> [8] - 34:24, 71:24, 71:25, 72:1, 73:1, 76:7, 83:6</p> <p><b>located</b> [1] - 64:4</p> <p><b>lock</b> [1] - 46:14</p> <p><b>locks</b> [1] - 49:13</p> <p><b>logical</b> [1] - 50:12</p> <p><b>logistical</b> [1] - 17:3</p> <p><b>look</b> [8] - 5:12, 13:19, 34:14, 34:23, 34:24, 52:1, 59:9, 81:18</p> <p><b>looked</b> [1] - 69:2</p> <p><b>looking</b> [12] - 18:20, 27:3, 32:1, 34:20, 35:1, 36:14, 38:20, 45:14, 53:5, 56:16, 60:25</p> <p><b>looks</b> [1] - 35:10</p> <p><b>loss</b> [2] - 72:12, 72:24</p> <p><b>luggage</b> [2] - 84:13, 84:14</p> <p><b>Lujohn</b> [1] - 88:6</p>	<p><b>March</b> [14] - 13:23, 13:25, 60:24, 61:7, 61:8, 61:9, 66:11, 91:6, 91:10, 93:15, 93:17, 94:6, 95:9, 95:11</p> <p><b>MARSHALL</b> [1] - 1:18</p> <p><b>Marshals</b> [1] - 5:18</p> <p><b>material</b> [27] - 11:10, 12:17, 13:6, 13:13, 52:22, 62:13, 62:14, 62:18, 62:20, 62:21, 62:22, 62:23, 62:24, 63:2, 63:9, 63:11, 63:25, 64:3, 66:16, 66:17, 66:18, 91:19, 92:3, 92:5</p> <p><b>materials</b> [10] - 24:20, 28:10, 30:5, 39:15, 47:5, 48:3, 63:16, 63:18, 88:25, 90:23</p> <p><b>matter</b> [11] - 5:5, 14:16, 15:23, 18:19, 20:1, 27:10, 46:15, 47:3, 80:11, 80:12, 95:18</p> <p><b>matters</b> [3] - 5:19, 6:7, 46:14</p> <p><b>Maturo</b> [7] - 25:10, 31:8, 31:12, 31:25, 32:4, 32:22, 32:23</p> <p><b>MDC</b> [5] - 3:21, 4:3, 4:25, 5:14, 95:7</p> <p><b>MDC's</b> [1] - 3:25</p> <p><b>mean</b> [5] - 16:1, 16:3, 25:23, 65:8, 85:4</p> <p><b>meaning</b> [1] - 4:24</p> <p><b>meaningful</b> [1] - 71:16</p> <p><b>means</b> [6] - 25:22, 26:4, 26:20, 79:1, 80:8, 85:10</p> <p><b>meant</b> [1] - 43:14</p> <p><b>measures</b> [1] - 32:13</p> <p><b>meat</b> [2] - 14:16, 18:19</p> <p><b>mechanical</b> [1] - 2:11</p> <p><b>medical</b> [2] - 4:22, 5:3</p> <p><b>medication</b> [2] - 5:10, 5:14</p> <p><b>meet</b> [3] - 16:16, 18:2, 45:9</p> <p><b>meeting</b> [5] - 4:23, 4:24, 5:17, 5:18, 95:7</p> <p><b>meetings</b> [1] - 29:21</p> <p><b>member</b> [2] - 30:14, 39:6</p> <p><b>members</b> [3] - 28:13, 31:4, 50:24</p> <p><b>memory</b> [1] - 67:3</p> <p><b>Mendez</b> [2] - 20:11, 20:18</p> <p><b>mental</b> [1] - 58:21</p> <p><b>mentioned</b> [4] - 29:17, 58:7, 83:17, 88:6</p> <p><b>mere</b> [1] - 74:11</p> <p><b>merely</b> [3] - 71:21, 77:3, 80:23</p> <p><b>meritless</b> [1] - 87:23</p> <p><b>Messina</b> [1] - 78:15</p> <p><b>MESSINA</b> [13] - 2:1, 8:19, 9:17, 13:2, 14:9, 78:16, 79:17, 79:25, 81:11, 83:2, 84:10, 90:4, 90:15</p> <p><b>met</b> [3] - 34:5, 35:14, 73:14</p> <p><b>MICHAEL</b> [1] - 1:23</p> <p><b>microphone</b> [1] - 3:9</p> <p><b>Microsoft</b> [2] - 18:12, 18:13</p> <p><b>middle</b> [1] - 91:24</p> <p><b>might</b> [23] - 5:16, 5:20, 7:3, 7:4, 8:20, 10:3, 13:12, 13:19, 19:4, 19:5, 24:19, 33:3, 35:16, 39:13, 39:15, 63:14, 63:25, 64:20, 65:8, 65:14, 71:19, 71:24, 76:17</p> <p><b>Might</b> [1] - 11:12</p> <p><b>MILDRED</b> [1] - 1:20</p> <p><b>military</b> [1] - 75:7</p>	
<b>L</b>			
<p><b>lack</b> [2] - 42:16, 50:6</p> <p><b>lacks</b> [1] - 85:15</p> <p><b>landlord</b> [3] - 46:22, 50:18, 50:21</p> <p><b>landlord-tenant</b> [1] - 50:21</p> <p><b>landscape</b> [1] - 78:20</p> <p><b>language</b> [2] - 81:5, 81:14</p> <p><b>large</b> [2] - 4:9, 38:13</p> <p><b>last</b> [4] - 6:13, 33:18, 33:19, 78:14</p> <p><b>latter</b> [1] - 4:7</p> <p><b>law</b> [57] - 18:14, 23:8, 23:15, 27:11, 28:14, 28:15, 28:16, 28:20, 28:22, 28:25, 29:1, 29:4, 29:7, 29:8, 29:11, 29:14, 29:16, 30:15, 34:24, 38:14, 43:4, 44:12, 44:15, 44:17, 45:22, 45:23, 46:3, 57:16, 57:20, 57:21, 57:24, 63:7, 70:25, 72:1, 73:3, 73:5, 75:6, 75:16, 75:18, 76:11, 79:23, 81:10, 81:16, 83:13, 84:22, 84:23, 85:17, 87:15, 88:7, 88:22, 88:25, 89:2, 89:11, 89:15, 95:12</p> <p><b>lawfully</b> [5] - 21:23, 43:5, 44:12, 89:22, 90:1</p> <p><b>laws</b> [4] - 77:14, 81:17, 81:18, 83:7</p> <p><b>lawyer</b> [3] - 72:11, 73:13, 73:14</p> <p><b>lawyers</b> [2] - 74:1, 83:24</p> <p><b>learning</b> [1] - 41:2</p> <p><b>least</b> [19] - 7:21, 7:22, 8:7, 9:13, 9:15, 15:16, 17:4, 21:22, 24:15, 25:5, 34:11, 36:10, 37:13, 54:7, 64:9, 70:6, 71:14, 78:14, 79:21</p> <p><b>leave</b> [2] - 13:11, 80:15</p> <p><b>led</b> [2] - 20:16, 33:11</p> <p><b>left</b> [4] - 10:9, 39:7, 80:16, 90:19</p> <p><b>legal</b> [9] - 21:2, 28:11, 30:24, 40:4, 48:14, 78:23, 85:2, 86:18, 89:6</p>			
<b>M</b>			
<p><b>magistrate</b> [4] - 25:25, 40:18, 69:8, 84:4</p> <p><b>mail</b> [4] - 18:14, 95:13, 95:15</p> <p><b>main</b> [2] - 55:17, 82:13</p> <p><b>maintained</b> [1] - 50:18</p> <p><b>maintenance</b> [1] - 49:21</p> <p><b>majority</b> [1] - 51:5</p> <p><b>mandated</b> [1] - 72:13</p> <p><b>manner</b> [3] - 4:20, 87:16, 88:4</p>			

<p><b>Miller</b> [12] - 3:20, 4:14, 6:1, 21:20, 37:17, 42:4, 43:11, 46:9, 63:8, 65:10, 73:2, 95:6</p> <p><b>MILLER</b> [69] - 1:18, 4:15, 6:5, 6:9, 6:16, 7:11, 9:2, 9:4, 10:21, 13:5, 14:11, 14:25, 15:4, 15:8, 16:22, 18:8, 18:12, 21:21, 24:8, 27:10, 29:20, 37:19, 39:23, 41:18, 42:10, 44:9, 46:12, 47:19, 50:17, 53:20, 55:21, 57:7, 59:21, 59:23, 60:3, 60:7, 60:22, 61:1, 61:7, 61:22, 62:5, 62:10, 62:12, 63:4, 63:16, 64:2, 65:2, 66:9, 66:12, 67:3, 73:3, 77:15, 85:8, 90:9, 91:5, 91:12, 91:14, 91:22, 92:2, 92:9, 92:19, 92:21, 92:24, 93:11, 93:21, 94:4, 94:17, 94:25, 95:17</p> <p><b>Miller's</b> [2] - 21:11, 21:12</p> <p><b>mind</b> [3] - 4:18, 11:6, 14:3</p> <p><b>mindful</b> [1] - 69:18</p> <p><b>minds</b> [1] - 65:16</p> <p><b>minimal</b> [3] - 13:14, 72:6, 72:18</p> <p><b>minimum</b> [1] - 76:6</p> <p><b>minute</b> [1] - 82:16</p> <p><b>minutes</b> [2] - 19:5, 41:19</p> <p><b>Miranda</b> [10] - 8:8, 14:2, 21:16, 22:13, 22:15, 22:19, 68:20, 69:17, 69:18, 74:16</p> <p><b>Mirandized</b> [1] - 22:24</p> <p><b>miss</b> [1] - 83:16</p> <p><b>missing</b> [1] - 45:20</p> <p><b>misspoke</b> [1] - 43:8</p> <p><b>misstate</b> [1] - 50:20</p> <p><b>mistake</b> [2] - 28:25, 29:3</p> <p><b>MLAT</b> [3] - 87:13, 88:19, 88:21</p> <p><b>modes</b> [1] - 24:18</p> <p><b>modified</b> [1] - 3:16</p> <p><b>moment</b> [5] - 11:12, 59:18, 77:21, 84:11</p> <p><b>Monday</b> [7] - 16:25, 54:2, 59:20, 60:23, 61:2, 63:23, 91:24</p> <p><b>months</b> [4] - 12:4, 46:11, 46:16, 64:14</p> <p><b>moot</b> [1] - 20:2</p> <p><b>mooted</b> [1] - 21:8</p> <p><b>moribund</b> [1] - 79:6</p> <p><b>morning</b> [1] - 16:13</p> <p><b>most</b> [9] - 13:17, 40:11, 59:7, 62:22, 64:23, 72:6, 74:25, 76:20, 87:2</p> <p><b>MOTION</b> [1] - 1:11</p> <p><b>motion</b> [20] - 7:15, 7:16, 8:24, 9:2, 9:5, 9:9, 9:21, 10:8, 13:1, 19:9, 30:10, 60:12, 85:5, 92:17, 92:18, 92:22, 93:5, 93:13, 93:17</p> <p><b>motions</b> [16] - 6:7, 8:7, 8:14, 9:5, 13:21, 14:3, 51:4, 51:6, 51:22, 61:10, 61:21, 63:3, 69:4, 87:23, 92:11, 92:13</p> <p><b>move</b> [5] - 10:19, 10:20, 24:25, 43:11, 43:14</p> <p><b>moved</b> [1] - 69:19</p> <p><b>moving</b> [1] - 30:24</p> <p><b>MR</b> [94] - 3:7, 3:11, 4:15, 6:5, 6:9, 6:16, 7:11, 9:2, 9:4, 9:20, 10:21, 11:12, 12:15, 13:5, 14:10, 14:11, 14:25, 15:4, 15:8, 15:20, 16:22, 17:23, 18:8, 18:12,</p>	<p>18:18, 21:21, 24:8, 29:20, 37:19, 39:23, 41:18, 42:10, 44:9, 46:12, 47:19, 50:17, 51:5, 53:20, 55:21, 57:7, 59:6, 59:16, 59:21, 59:23, 60:3, 60:7, 60:22, 61:1, 61:7, 61:13, 61:22, 62:5, 62:10, 62:12, 63:4, 63:8, 63:16, 64:2, 64:16, 64:20, 65:2, 66:9, 66:12, 67:3, 67:6, 67:8, 69:18, 70:4, 70:13, 71:3, 73:3, 76:13, 77:15, 85:8, 90:9, 90:21, 91:5, 91:12, 91:14, 91:22, 92:2, 92:9, 92:19, 92:21, 92:24, 93:11, 93:21, 94:4, 94:17, 94:25, 95:2, 95:8, 95:17</p> <p><b>MS</b> [49] - 8:19, 9:10, 9:17, 11:16, 11:18, 12:5, 13:2, 14:6, 14:9, 19:14, 20:4, 23:7, 24:11, 25:11, 26:18, 30:18, 31:25, 34:13, 35:17, 41:20, 42:3, 43:8, 44:5, 49:1, 49:18, 50:14, 51:11, 52:15, 53:10, 55:12, 58:3, 59:25, 60:5, 61:12, 61:15, 61:19, 61:24, 78:16, 79:17, 79:25, 81:11, 83:2, 84:10, 90:4, 90:15, 93:19, 94:3, 94:12, 95:9</p> <p><b>Muslimeen</b> [1] - 58:10</p> <p><b>must</b> [4] - 22:2, 70:24, 70:25, 81:14</p> <p><b>muster</b> [1] - 68:4</p> <p><b>mutual</b> [3] - 40:4, 80:21, 86:18</p> <p><b>Mutual</b> [1] - 88:19</p> <p><b>mystery</b> [1] - 87:12</p> <p style="text-align: center;"><b>N</b></p> <p><b>Nairobi</b> [1] - 37:17</p> <p><b>name</b> [1] - 91:8</p> <p><b>names</b> [1] - 65:2</p> <p><b>narrative</b> [1] - 53:11</p> <p><b>narrow</b> [1] - 80:5</p> <p><b>national</b> [13] - 28:4, 28:5, 37:21, 37:24, 39:9, 40:15, 70:22, 71:2, 71:3, 72:7, 76:24, 77:12, 79:13</p> <p><b>nationals</b> [3] - 68:19, 68:20, 69:25</p> <p><b>nations</b> [1] - 85:18</p> <p><b>nature</b> [7] - 44:10, 47:6, 47:22, 48:6, 52:20, 63:20, 66:12</p> <p><b>necessarily</b> [4] - 20:1, 44:4, 58:6, 58:15</p> <p><b>necessary</b> [7] - 21:2, 23:5, 43:1, 47:9, 58:13, 65:23, 75:22</p> <p><b>necessity</b> [2] - 23:9, 49:4</p> <p><b>need</b> [39] - 5:15, 5:25, 6:3, 7:14, 7:16, 7:21, 8:9, 11:3, 12:1, 14:18, 21:13, 22:16, 23:23, 25:21, 26:5, 34:5, 36:2, 41:22, 41:24, 42:13, 45:8, 46:25, 50:19, 51:13, 61:14, 62:19, 64:13, 64:17, 65:2, 66:6, 66:17, 66:18, 66:19, 69:23, 87:15, 88:8, 89:24, 91:9, 92:13</p> <p><b>needed</b> [2] - 64:8, 64:12</p> <p><b>needs</b> [5] - 11:6, 33:24, 34:5, 35:14, 41:18</p> <p><b>neighborhood</b> [1] - 63:20</p> <p><b>neutralize</b> [1] - 52:7</p> <p><b>neutralizing</b> [1] - 51:20</p> <p><b>never</b> [2] - 39:16, 71:18</p> <p><b>NEW</b> [1] - 1:1</p>	<p><b>new</b> [3] - 4:25, 57:24, 84:25</p> <p><b>New</b> [11] - 1:5, 1:17, 2:8, 24:4, 28:17, 40:20, 49:3, 49:11, 50:4, 50:5, 89:14</p> <p><b>news</b> [1] - 5:1</p> <p><b>next</b> [2] - 14:20, 66:4</p> <p><b>nightmarish</b> [1] - 64:15</p> <p><b>nine</b> [1] - 45:6</p> <p><b>Ninth</b> [1] - 28:16</p> <p><b>NKRUMAH</b> [2] - 2:1, 59:6</p> <p><b>Nobel</b> [4] - 18:16, 69:3, 73:9, 91:1</p> <p><b>NOBEL</b> [18] - 2:3, 9:20, 14:10, 15:20, 17:23, 18:18, 63:8, 64:16, 64:20, 67:6, 67:8, 69:18, 70:4, 70:13, 71:3, 76:13, 90:21, 95:2</p> <p><b>Nobody</b> [1] - 72:11</p> <p><b>non</b> [3] - 79:3, 80:24, 89:17</p> <p><b>non-U.S</b> [3] - 79:3, 80:24, 89:17</p> <p><b>None</b> [2] - 30:20, 30:22</p> <p><b>none</b> [3] - 27:3, 64:12, 75:25</p> <p><b>normally</b> [2] - 10:10, 91:22</p> <p><b>notations</b> [1] - 17:18</p> <p><b>note</b> [4] - 30:8, 30:12, 64:4, 90:21</p> <p><b>noted</b> [3] - 3:4, 69:23</p> <p><b>nothing</b> [2] - 75:25, 76:19</p> <p><b>notice</b> [10] - 7:21, 7:22, 11:3, 15:16, 15:17, 47:4, 62:6, 64:3, 91:18, 92:4</p> <p><b>notification</b> [1] - 87:5</p> <p><b>notified</b> [3] - 29:18, 39:24, 39:25</p> <p><b>notify</b> [1] - 92:16</p> <p><b>Nowhere</b> [1] - 69:13</p> <p><b>nuances</b> [2] - 46:2, 46:3</p> <p><b>number</b> [7] - 3:2, 7:19, 17:2, 43:12, 46:18, 83:8, 93:14</p> <p><b>numbers</b> [1] - 33:9</p> <p><b>NUR</b> [1] - 1:7</p> <p><b>Nur</b> [10] - 2:4, 9:20, 67:2, 67:3, 67:10, 67:16, 67:24, 68:5, 70:6, 70:16</p> <p><b>Nur's</b> [1] - 72:19</p> <p style="text-align: center;"><b>O</b></p> <p><b>o'clock</b> [5] - 1:9, 13:23, 95:1, 95:10, 95:11</p> <p><b>oath</b> [2] - 26:20, 57:17</p> <p><b>objection</b> [1] - 60:5</p> <p><b>obligation</b> [4] - 70:21, 74:9, 80:21, 82:9</p> <p><b>obligations</b> [2] - 74:13, 80:21</p> <p><b>obtain</b> [3] - 86:21, 89:13, 90:7</p> <p><b>obtained</b> [6] - 44:16, 47:7, 67:5, 88:17, 89:12, 90:8</p> <p><b>obtaining</b> [3] - 29:4, 77:4, 77:18</p> <p><b>obviously</b> [3] - 7:15, 22:16, 85:10</p> <p><b>occur</b> [1] - 80:12</p> <p><b>occurs</b> [2] - 28:7, 52:24</p> <p><b>odd</b> [1] - 27:6</p> <p><b>Odeh</b> [1] - 54:14</p> <p><b>OF</b> [3] - 1:1, 1:3, 1:11</p> <p><b>offense</b> [2] - 75:11, 88:15</p> <p><b>offer</b> [1] - 13:15</p> <p><b>offered</b> [1] - 57:19</p>
---	--	--

<p><b>offering</b> <sup>[1]</sup> - 56:20  <b>Office</b> <sup>[4]</sup> - 27:12, 65:4, 75:13  <b>officers</b> <sup>[2]</sup> - 25:25, 29:15  <b>Official</b> <sup>[1]</sup> - 2:7  <b>officials</b> <sup>[3]</sup> - 25:8, 26:2, 34:2  <b>older</b> <sup>[1]</sup> - 10:17  <b>Olympian</b> <sup>[1]</sup> - 58:22  <b>once</b> <sup>[4]</sup> - 14:13, 15:9, 65:17, 92:14  <b>Once</b> <sup>[1]</sup> - 4:11  <b>One</b> <sup>[3]</sup> - 7:13, 79:18, 82:22  <b>one</b> <sup>[32]</sup> - 5:13, 6:17, 10:17, 10:23, 16:23, 17:3, 25:10, 27:18, 30:10, 33:12, 33:18, 33:19, 47:22, 54:9, 54:20, 54:21, 55:6, 55:16, 56:5, 56:10, 61:11, 63:8, 64:12, 72:17, 72:19, 79:9, 84:2, 84:15, 86:18, 90:8, 90:19, 95:5  <b>onerous</b> <sup>[3]</sup> - 41:14, 71:9, 72:2  <b>online</b> <sup>[1]</sup> - 87:14  <b>operated</b> <sup>[1]</sup> - 29:11  <b>operation</b> <sup>[1]</sup> - 80:19  <b>opinion</b> <sup>[6]</sup> - 33:17, 33:18, 68:17, 82:19, 84:3, 91:9  <b>opinions</b> <sup>[2]</sup> - 33:18, 79:9  <b>opportunity</b> <sup>[7]</sup> - 12:19, 49:10, 52:13, 59:9, 85:6, 85:7, 87:25  <b>oppose</b> <sup>[1]</sup> - 9:21  <b>opposed</b> <sup>[5]</sup> - 49:17, 53:22, 55:22, 80:6, 90:13  <b>optimistic</b> <sup>[1]</sup> - 9:25  <b>oral</b> <sup>[17]</sup> - 3:1, 6:6, 8:6, 8:21, 14:3, 14:13, 14:16, 18:20, 22:14, 53:21, 53:24, 53:25, 54:7, 54:13, 59:20, 61:5, 90:17  <b>orally</b> <sup>[3]</sup> - 22:21, 23:9, 23:12  <b>order</b> <sup>[10]</sup> - 8:6, 19:1, 31:22, 34:1, 50:7, 51:19, 64:17, 65:23, 91:7, 94:9  <b>ordering</b> <sup>[1]</sup> - 8:22  <b>orderliness</b> <sup>[1]</sup> - 19:2  <b>Oregon</b> <sup>[1]</sup> - 87:10  <b>organization</b> <sup>[4]</sup> - 41:3, 58:11, 75:4, 75:5  <b>organizations</b> <sup>[3]</sup> - 37:22, 83:21, 83:25  <b>origin</b> <sup>[1]</sup> - 31:3  <b>original</b> <sup>[7]</sup> - 42:5, 51:23, 54:3, 59:24, 61:3, 61:4, 90:10  <b>originally</b> <sup>[1]</sup> - 33:1  <b>originated</b> <sup>[1]</sup> - 25:4  <b>otherwise</b> <sup>[4]</sup> - 17:13, 24:6, 44:22, 74:12  <b>OU</b> <sup>[1]</sup> - 78:19  <b>ourselves</b> <sup>[2]</sup> - 9:18, 15:15  <b>out-of-court</b> <sup>[1]</sup> - 57:24  <b>outcome</b> <sup>[1]</sup> - 4:6  <b>outside</b> <sup>[7]</sup> - 10:10, 10:19, 44:23, 64:1, 79:20, 91:20, 92:4  <b>outweigh</b> <sup>[1]</sup> - 37:15  <b>outweighed</b> <sup>[1]</sup> - 39:3  <b>overlook</b> <sup>[1]</sup> - 70:5  <b>overly</b> <sup>[1]</sup> - 39:2  <b>overrides</b> <sup>[1]</sup> - 42:23  <b>overruled</b> <sup>[1]</sup> - 82:20  <b>overruling</b> <sup>[1]</sup> - 79:24</p>	<p><b>oversaw</b> <sup>[1]</sup> - 86:  <b>overseas</b> <sup>[3]</sup> - 64:5, 68:19, 81:16  <b>oversight</b> <sup>[1]</sup> - 46:16  <b>own</b> <sup>[7]</sup> - 24:12, 27:11, 28:6, 29:11, 37:7, 83:10, 83:24  <b>owner</b> <sup>[1]</sup> - 48:11</p> <p style="text-align: center;"><b>P</b></p> <p><b>p.m</b> <sup>[1]</sup> - 1:9  <b>page</b> <sup>[2]</sup> - 6:11, 54:13  <b>painful</b> <sup>[1]</sup> - 65:24  <b>painstaking</b> <sup>[1]</sup> - 66:1  <b>panel</b> <sup>[1]</sup> - 6:21  <b>papers</b> <sup>[4]</sup> - 19:7, 42:20, 73:6, 73:23  <b>paradigm</b> <sup>[1]</sup> - 77:11  <b>paragraph</b> <sup>[2]</sup> - 20:6, 86:19  <b>paramount</b> <sup>[2]</sup> - 37:19, 41:11  <b>part</b> <sup>[10]</sup> - 10:24, 28:25, 32:12, 32:13, 32:16, 33:2, 43:9, 54:11, 64:6, 86:20  <b>participate</b> <sup>[1]</sup> - 25:20  <b>participating</b> <sup>[2]</sup> - 25:21, 26:4  <b>participation</b> <sup>[4]</sup> - 26:20, 26:21, 69:16, 76:24  <b>particular</b> <sup>[11]</sup> - 37:16, 39:22, 58:1, 65:21, 69:5, 74:2, 78:25, 81:22, 86:17, 87:22, 88:13  <b>particularized</b> <sup>[3]</sup> - 41:7, 87:16, 87:20  <b>particularly</b> <sup>[7]</sup> - 5:2, 45:2, 45:20, 55:18, 58:6, 58:8, 84:15  <b>Particularly</b> <sup>[1]</sup> - 54:15  <b>parties</b> <sup>[17]</sup> - 6:7, 14:19, 14:25, 16:18, 16:21, 18:2, 18:22, 23:21, 23:23, 51:22, 52:9, 52:12, 54:1, 66:21, 66:22, 85:19, 94:11  <b>parts</b> <sup>[1]</sup> - 10:23  <b>party</b> <sup>[1]</sup> - 66:8  <b>pass</b> <sup>[3]</sup> - 17:24, 48:10, 60:9  <b>passed</b> <sup>[1]</sup> - 65:23  <b>passes</b> <sup>[1]</sup> - 68:3  <b>passively</b> <sup>[2]</sup> - 70:14, 72:4  <b>past</b> <sup>[3]</sup> - 6:19, 65:6, 65:14  <b>path</b> <sup>[1]</sup> - 85:3  <b>pause</b> <sup>[2]</sup> - 74:25, 75:11  <b>Pause</b> <sup>[2]</sup> - 11:14, 15:7  <b>penalty</b> <sup>[1]</sup> - 6:20  <b>pending</b> <sup>[3]</sup> - 70:18, 72:19, 72:20  <b>people</b> <sup>[12]</sup> - 7:19, 15:18, 15:23, 27:19, 34:19, 36:14, 37:22, 50:2, 80:6, 80:8, 82:8  <b>perfect</b> <sup>[1]</sup> - 41:9  <b>perfectly</b> <sup>[1]</sup> - 38:10  <b>perform</b> <sup>[2]</sup> - 42:8, 58:21  <b>perhaps</b> <sup>[18]</sup> - 5:18, 5:25, 17:13, 44:3, 48:19, 51:17, 52:2, 56:25, 62:4, 63:17, 63:20, 77:20, 78:6, 80:13, 90:22, 91:10, 93:24, 94:19  <b>Perhaps</b> <sup>[6]</sup> - 4:1, 5:16, 5:22, 60:22, 78:13, 80:17  <b>period</b> <sup>[3]</sup> - 10:18, 46:16, 91:23  <b>permanent</b> <sup>[3]</sup> - 78:23, 80:8, 89:6  <b>permissible</b> <sup>[1]</sup> - 45:13</p>	<p><b>permit</b> <sup>[1]</sup> - 27:7  <b>permitted</b> <sup>[1]</sup> - 24:1  <b>person</b> <sup>[7]</sup> - 52:2, 74:14, 77:4, 77:7, 78:22, 86:21, 89:4  <b>personal</b> <sup>[1]</sup> - 64:15  <b>personally</b> <sup>[1]</sup> - 65:12  <b>personnel</b> <sup>[1]</sup> - 5:3  <b>persuaded</b> <sup>[2]</sup> - 75:12, 76:12  <b>pertaining</b> <sup>[2]</sup> - 6:12, 68:13  <b>petitions</b> <sup>[4]</sup> - 69:6, 69:11, 74:7, 82:20  <b>ph</b> <sup>[1]</sup> - 88:6  <b>phone</b> <sup>[3]</sup> - 4:4, 33:9, 72:3  <b>physical</b> <sup>[2]</sup> - 4:22, 5:9  <b>pick</b> <sup>[2]</sup> - 11:25, 83:24  <b>piece</b> <sup>[1]</sup> - 56:12  <b>Pierrepoint</b> <sup>[1]</sup> - 1:17  <b>place</b> <sup>[15]</sup> - 16:1, 17:5, 24:13, 25:6, 30:9, 30:13, 39:4, 39:9, 40:5, 63:12, 65:25, 81:15, 82:12, 82:15, 89:16  <b>placed</b> <sup>[3]</sup> - 3:23, 19:20, 71:9  <b>places</b> <sup>[2]</sup> - 15:24, 15:25  <b>plain</b> <sup>[1]</sup> - 47:3  <b>plan</b> <sup>[1]</sup> - 5:15  <b>plane</b> <sup>[1]</sup> - 82:6  <b>plans</b> <sup>[1]</sup> - 15:18  <b>plate</b> <sup>[1]</sup> - 95:6  <b>Plaza</b> <sup>[1]</sup> - 2:7  <b>plea</b> <sup>[4]</sup> - 55:23, 56:17, 56:23, 57:16  <b>pleased</b> <sup>[1]</sup> - 4:18  <b>pleasure</b> <sup>[1]</sup> - 90:18  <b>plot</b> <sup>[1]</sup> - 28:2  <b>plots</b> <sup>[1]</sup> - 37:23  <b>point</b> <sup>[45]</sup> - 3:16, 3:18, 8:2, 11:8, 12:22, 16:18, 16:20, 17:6, 18:4, 22:3, 22:10, 24:11, 27:18, 29:18, 30:4, 34:16, 38:1, 38:14, 39:20, 40:4, 52:13, 53:23, 55:4, 55:12, 55:15, 55:21, 57:14, 58:9, 60:12, 62:3, 62:4, 62:16, 63:8, 63:14, 64:5, 64:25, 68:21, 71:21, 79:8, 79:9, 83:16, 84:7, 84:13, 84:25, 88:2  <b>pointed</b> <sup>[4]</sup> - 44:24, 64:10, 86:7, 87:24  <b>pointing</b> <sup>[1]</sup> - 75:5  <b>points</b> <sup>[2]</sup> - 74:2, 76:13  <b>police</b> <sup>[16]</sup> - 20:12, 20:13, 20:22, 26:13, 26:22, 31:13, 32:6, 33:10, 36:13, 70:4, 80:11, 80:20, 80:22, 82:6, 84:13  <b>police-initiated</b> <sup>[1]</sup> - 70:4  <b>policies</b> <sup>[1]</sup> - 21:18  <b>policy</b> <sup>[5]</sup> - 19:21, 22:1, 47:2, 81:6, 94:18  <b>pondering</b> <sup>[1]</sup> - 10:23  <b>population</b> <sup>[3]</sup> - 4:10, 5:6, 28:7  <b>portions</b> <sup>[1]</sup> - 4:9  <b>pose</b> <sup>[1]</sup> - 80:24  <b>position</b> <sup>[12]</sup> - 3:25, 27:16, 28:19, 52:17, 65:9, 78:18, 80:3, 81:9, 81:12, 89:2, 89:21, 90:11  <b>positions</b> <sup>[1]</sup> - 78:25  <b>possession</b> <sup>[10]</sup> - 21:23, 24:20, 36:23, 47:5, 47:9, 47:10, 47:11, 47:19, 48:8, 48:23  <b>possibilities</b> <sup>[1]</sup> - 47:21</p>
---	--	---

<p><b>possibility</b> [3] - 8:5, 50:18, 64:5  <b>possible</b> [4] - 17:9, 48:4, 56:8, 58:22  <b>possibly</b> [1] - 48:1  <b>post</b> [2] - 54:17, 80:15  <b>post-arrest</b> [1] - 54:17  <b>post-Verdugo</b> [1] - 80:15  <b>postdates</b> [1] - 67:19  <b>potential</b> [5] - 28:4, 40:23, 65:7, 65:13, 68:8  <b>pounds</b> [1] - 3:16  <b>power</b> [1] - 88:5  <b>practice</b> [9] - 7:15, 7:16, 8:24, 9:22, 13:1, 16:5, 16:7, 62:17, 62:22  <b>precipitate</b> [1] - 60:11  <b>precipitated</b> [3] - 46:24, 78:5, 78:7  <b>precipitates</b> [1] - 77:19  <b>precipitously</b> [1] - 20:22  <b>precisely</b> [1] - 36:24  <b>preclude</b> [1] - 20:1  <b>preclusion</b> [1] - 68:14  <b>prefer</b> [1] - 53:2  <b>prejudice</b> [1] - 56:8  <b>prepare</b> [1] - 12:2  <b>prepared</b> [5] - 9:4, 26:14, 26:19, 90:17, 94:23  <b>presence</b> [1] - 39:5  <b>present</b> [5] - 5:17, 5:19, 16:5, 34:5, 77:23  <b>presented</b> [7] - 22:22, 23:11, 25:12, 28:21, 40:7, 49:19, 83:10  <b>presenting</b> [1] - 23:22  <b>preserve</b> [1] - 9:7  <b>pressing</b> [1] - 46:13  <b>presumably</b> [1] - 83:6  <b>presumption</b> [1] - 56:10  <b>pretial</b> [1] - 10:22  <b>pretty</b> [2] - 23:8, 94:1  <b>prevent</b> [1] - 65:14  <b>previously</b> [2] - 16:23, 60:7  <b>primary</b> [2] - 45:15, 57:8  <b>principles</b> [2] - 45:4, 79:22  <b>prisoners</b> [1] - 5:13  <b>privacy</b> [3] - 34:4, 35:13, 36:2  <b>private</b> [1] - 86:20  <b>pro</b> [1] - 71:16  <b>probable</b> [3] - 40:16, 40:18, 89:20  <b>problem</b> [6] - 12:7, 12:23, 52:17, 52:18, 56:11, 56:17  <b>problems</b> [7] - 12:7, 13:17, 27:21, 54:14, 55:1, 55:17, 58:24  <b>procedure</b> [4] - 20:15, 21:5, 65:25, 87:17  <b>procedures</b> [6] - 20:16, 20:19, 21:10, 43:21, 45:22, 70:7  <b>proceed</b> [5] - 4:19, 16:20, 18:4, 18:23, 88:6  <b>proceeding</b> [6] - 71:12, 71:17, 72:1, 72:13, 82:17  <b>Proceedings</b> [1] - 2:11  <b>proceedings</b> [31] - 3:9, 5:24, 53:9, 67:20, 68:1, 68:3, 68:5, 68:9, 69:8, 70:18, 71:6, 71:7, 71:8, 71:14, 71:23,</p>	<p>72:5, 72:8, 72:9, 72:15, 72:20, 74:10, 76:3, 76:5, 76:19, 76:25, 77:6, 77:9, 78:8, 86:8  <b>process</b> [24] - 6:17, 6:19, 6:25, 7:18, 7:19, 9:11, 9:15, 9:24, 10:23, 11:4, 11:10, 11:21, 12:14, 12:21, 43:23, 53:23, 65:25, 76:8, 83:22, 83:25, 84:2, 86:6, 89:18, 91:6  <b>produce</b> [3] - 60:14, 82:9, 85:1  <b>Produced</b> [1] - 2:11  <b>produced</b> [1] - 3:6  <b>production</b> [1] - 60:11  <b>progress</b> [1] - 4:19  <b>promotion</b> [2] - 36:3, 36:18  <b>prongs</b> [1] - 21:21  <b>proof</b> [6] - 55:24, 55:25, 56:20, 57:2, 58:14, 59:11  <b>properly</b> [2] - 45:24, 84:9  <b>property</b> [6] - 38:5, 38:18, 38:20, 45:5, 88:15, 89:4  <b>propose</b> [3] - 54:1, 92:25, 93:11  <b>proposed</b> [4] - 15:1, 51:24, 60:20, 93:2  <b>proposing</b> [2] - 17:23, 61:4  <b>proposition</b> [2] - 81:5, 85:25  <b>prosecuted</b> [1] - 75:15  <b>prosecution</b> [2] - 25:6, 32:8  <b>prosecutor</b> [1] - 56:25  <b>prospect</b> [1] - 65:18  <b>protect</b> [1] - 35:15  <b>protecting</b> [4] - 37:14, 37:20, 39:9, 40:15  <b>protections</b> [3] - 75:17, 79:15, 83:23  <b>prove</b> [4] - 20:12, 54:19, 56:22, 57:19  <b>proven</b> [1] - 82:23  <b>Provide</b> [1] - 60:24  <b>provide</b> [22] - 11:3, 18:10, 22:6, 27:17, 43:7, 52:11, 54:4, 59:20, 60:20, 66:5, 71:11, 72:6, 72:11, 72:18, 74:9, 76:2, 76:10, 86:17, 86:22, 91:7, 92:7, 93:13  <b>provided</b> [25] - 10:24, 13:16, 28:11, 30:2, 40:17, 46:21, 47:2, 53:24, 55:5, 62:18, 65:11, 69:3, 69:4, 70:25, 71:2, 72:16, 82:25, 83:4, 87:5, 88:23, 88:25, 89:22, 90:10, 90:12, 91:18  <b>provides</b> [1] - 51:23  <b>providing</b> [5] - 10:5, 51:12, 69:24, 83:22, 91:2  <b>provision</b> [1] - 82:4  <b>provisional</b> [4] - 73:7, 73:22, 82:10, 88:12  <b>provisions</b> [2] - 85:18, 86:19  <b>psychiatric</b> [1] - 5:4  <b>psychological</b> [1] - 4:23  <b>psychologist</b> [1] - 24:23  <b>public</b> [2] - 27:5, 27:24  <b>publicly</b> [1] - 38:9  <b>pull</b> [1] - 82:6  <b>puppeteers</b> [1] - 80:20  <b>purely</b> [1] - 63:15  <b>purpose</b> [4] - 24:5, 45:15, 45:17, 80:10  <b>purposes</b> [3] - 13:20, 56:7, 95:13  <b>pursuant</b> [8] - 20:15, 34:11, 38:4,</p>	<p>84:19, 84:22, 88:18, 88:19, 88:25  <b>pursue</b> [1] - 38:22  <b>pursuing</b> [3] - 38:8, 38:9, 39:18  <b>pursuit</b> [1] - 39:14  <b>push</b> [1] - 73:17  <b>pushes</b> [1] - 17:6  <b>pushing</b> [1] - 17:15  <b>put</b> [12] - 4:7, 5:5, 21:12, 22:3, 30:20, 43:13, 54:5, 54:9, 77:2, 80:2, 90:1, 94:17  <b>puts</b> [1] - 74:12  <b>putting</b> [1] - 24:22</p> <p style="text-align: center;"><b>Q</b></p> <p><b>qualifies</b> [1] - 28:23  <b>Queda</b> [2] - 38:23, 41:4  <b>questioning</b> [4] - 18:5, 21:11, 21:12, 70:5  <b>questionnaire</b> [12] - 6:19, 6:24, 7:18, 7:20, 11:22, 11:23, 15:9, 15:10, 15:21, 17:1, 17:8, 17:21  <b>questionnaires</b> [13] - 6:21, 7:3, 12:1, 12:2, 14:23, 16:1, 16:11, 16:13, 16:25, 17:4, 17:11, 17:24, 18:11  <b>questions</b> [7] - 6:22, 15:1, 19:6, 22:5, 45:8, 65:19, 73:17  <b>quick</b> [1] - 76:13  <b>quickly</b> [1] - 9:5  <b>quite</b> [4] - 9:5, 18:21, 28:23, 74:24  <b>quoted</b> [1] - 45:7</p> <p style="text-align: center;"><b>R</b></p> <p><b>radar</b> [1] - 54:5  <b>raise</b> [6] - 7:6, 18:16, 51:11, 51:13, 51:14, 83:8  <b>raised</b> [19] - 8:12, 18:22, 33:20, 36:25, 37:2, 51:9, 51:18, 53:19, 59:2, 67:1, 75:2, 75:3, 81:6, 82:13, 82:14, 83:17, 83:18, 83:21  <b>rap</b> [1] - 62:15  <b>rate</b> [2] - 6:24, 28:8  <b>Rather</b> [1] - 19:3  <b>rather</b> [9] - 8:13, 37:1, 47:6, 50:16, 53:11, 64:15, 71:16, 75:3, 82:16  <b>re</b> [1] - 33:15  <b>reach</b> [3] - 5:22, 45:8, 60:12  <b>reached</b> [2] - 46:4  <b>reaching</b> [2] - 55:18, 58:6  <b>read</b> [16] - 19:3, 22:19, 22:24, 23:2, 23:4, 23:6, 23:12, 23:16, 23:17, 23:20, 24:2, 24:12, 24:16, 24:20, 34:8, 38:19  <b>reading</b> [4] - 24:17, 24:19, 54:10, 80:5  <b>ready</b> [2] - 17:2, 60:17  <b>real</b> [2] - 38:22, 80:9  <b>realistic</b> [1] - 8:2  <b>realistically</b> [1] - 9:14  <b>Realistically</b> [1] - 7:24  <b>reality</b> [1] - 39:16  <b>realize</b> [1] - 50:15</p>
--	--	---

<p><b>really</b> [13] - 4:25, 14:15, 22:5, 28:18, 44:23, 44:24, 45:3, 45:4, 46:1, 53:5, 69:17, 88:8, 90:17</p> <p><b>reason</b> [13] - 13:25, 16:9, 27:23, 44:19, 48:18, 52:18, 55:19, 68:6, 85:14, 86:10, 87:11, 89:12</p> <p><b>reasonable</b> [8] - 8:16, 8:17, 33:24, 34:2, 35:10, 35:23, 63:22, 91:12</p> <p><b>reasonableness</b> [4] - 35:7, 42:12, 42:17, 43:3</p> <p><b>reasoning</b> [1] - 45:12</p> <p><b>reasons</b> [8] - 13:9, 48:19, 58:7, 70:16, 85:8, 88:8, 89:24</p> <p><b>rebut</b> [1] - 24:1</p> <p><b>rebutting</b> [1] - 24:11</p> <p><b>receipt</b> [1] - 92:16</p> <p><b>receive</b> [1] - 92:14</p> <p><b>received</b> [4] - 19:15, 20:5, 33:1, 66:16</p> <p><b>recently</b> [2] - 4:23, 87:2</p> <p><b>reciprocal</b> [3] - 66:14, 66:16, 91:16</p> <p><b>recitation</b> [1] - 22:24</p> <p><b>recognize</b> [1] - 78:18</p> <p><b>recollection</b> [1] - 67:13</p> <p><b>record</b> [7] - 25:5, 50:25, 54:10, 80:2, 81:13, 82:25, 90:1</p> <p><b>recorded</b> [3] - 2:11, 57:8</p> <p><b>redaction</b> [2] - 51:20, 51:24</p> <p><b>redress</b> [2] - 85:24, 86:5</p> <p><b>refer</b> [1] - 68:20</p> <p><b>reference</b> [3] - 15:20, 33:21, 58:9</p> <p><b>references</b> [1] - 51:21</p> <p><b>referencing</b> [1] - 79:21</p> <p><b>referred</b> [2] - 69:21, 74:18</p> <p><b>referring</b> [1] - 56:25</p> <p><b>refers</b> [1] - 63:12</p> <p><b>refused</b> [1] - 21:7</p> <p><b>regard</b> [4] - 23:25, 55:12, 58:9, 66:25</p> <p><b>regarding</b> [1] - 13:12</p> <p><b>regards</b> [1] - 79:7</p> <p><b>regime</b> [1] - 78:13</p> <p><b>regression</b> [1] - 5:8</p> <p><b>regular</b> [4] - 16:10, 17:8, 17:19, 63:19</p> <p><b>reiterated</b> [1] - 79:22</p> <p><b>rejected</b> [4] - 38:17, 38:25, 48:17, 54:15</p> <p><b>rejecting</b> [1] - 87:3</p> <p><b>rel</b> [1] - 86:1</p> <p><b>relate</b> [2] - 18:25, 44:22</p> <p><b>relates</b> [1] - 66:17</p> <p><b>relating</b> [5] - 14:2, 14:4, 19:10, 37:21, 42:15</p> <p><b>relation</b> [3] - 79:2, 82:2, 85:1</p> <p><b>relationship</b> [6] - 42:15, 42:19, 43:10, 43:12, 90:5</p> <p><b>relatively</b> [1] - 13:14</p> <p><b>release</b> [1] - 63:11</p> <p><b>relevance</b> [1] - 74:3</p> <p><b>relevant</b> [3] - 57:1, 83:12, 86:3</p> <p><b>reliability</b> [1] - 57:18</p> <p><b>reliable</b> [1] - 57:18</p> <p><b>reliance</b> [3] - 43:4, 56:24, 58:5</p> <p><b>relied</b> [3] - 39:1, 54:15, 56:21</p>	<p><b>relief</b> [1] - 82:21</p> <p><b>relitigate</b> [1] - 88:2</p> <p><b>relitigating</b> [1] - 84:8</p> <p><b>relitigation</b> [1] - 88:2</p> <p><b>rely</b> [5] - 29:6, 47:6, 67:24, 83:13, 85:23</p> <p><b>relying</b> [3] - 25:10, 29:13, 57:4</p> <p><b>remain</b> [1] - 3:9</p> <p><b>remedies</b> [1] - 43:22</p> <p><b>remedy</b> [8] - 44:5, 86:13, 86:16, 86:23, 86:25, 87:6, 87:8, 87:9</p> <p><b>remind</b> [2] - 66:20, 95:5</p> <p><b>Remind</b> [1] - 18:16</p> <p><b>remiss</b> [1] - 74:11</p> <p><b>render</b> [1] - 8:10</p> <p><b>rendered</b> [1] - 84:3</p> <p><b>renders</b> [1] - 87:23</p> <p><b>repeatedly</b> [2] - 85:25, 86:23</p> <p><b>replies</b> [1] - 24:1</p> <p><b>reply</b> [14] - 19:16, 19:17, 41:17, 52:15, 55:5, 61:21, 61:23, 85:4, 85:6, 85:7, 93:7, 93:18, 93:20</p> <p><b>Reporter</b> [2] - 2:6, 2:7</p> <p><b>representation</b> [6] - 29:6, 29:14, 43:4, 44:1, 75:13, 75:19</p> <p><b>representations</b> [1] - 28:20</p> <p><b>represented</b> [5] - 22:19, 68:25, 75:23, 76:7, 83:5</p> <p><b>request</b> [12] - 24:1, 27:14, 27:15, 30:13, 31:11, 40:3, 62:2, 72:21, 73:23, 73:25, 82:24, 83:1</p> <p><b>requested</b> [3] - 40:9, 40:11, 88:18</p> <p><b>requesting</b> [4] - 26:22, 66:13, 73:22, 88:12</p> <p><b>requests</b> [1] - 65:20</p> <p><b>require</b> [6] - 58:20, 60:10, 64:22, 64:24, 76:1, 87:8</p> <p><b>required</b> [9] - 9:22, 71:11, 71:14, 71:15, 74:13, 75:19, 82:23, 84:23, 89:23</p> <p><b>requirement</b> [6] - 13:7, 35:18, 35:25, 44:24, 48:24, 49:4</p> <p><b>requirements</b> [3] - 35:9, 66:2, 72:1</p> <p><b>requires</b> [6] - 23:15, 34:2, 34:3, 77:16, 77:25, 89:11</p> <p><b>requiring</b> [2] - 45:1, 87:4</p> <p><b>rescheduled</b> [1] - 8:20</p> <p><b>research</b> [1] - 76:1</p> <p><b>residence</b> [3] - 24:3, 25:1, 31:4</p> <p><b>resident</b> [2] - 78:23, 89:6</p> <p><b>residents</b> [1] - 80:9</p> <p><b>residual</b> [1] - 10:1</p> <p><b>resolve</b> [3] - 13:11, 22:17, 66:23</p> <p><b>resolved</b> [3] - 21:3, 41:25, 72:3</p> <p><b>resolving</b> [1] - 11:22</p> <p><b>respect</b> [51] - 4:2, 4:13, 5:3, 6:11, 8:7, 8:11, 10:8, 14:1, 14:14, 14:18, 15:8, 18:3, 18:5, 19:9, 19:19, 20:2, 21:10, 22:12, 27:9, 30:8, 30:11, 34:5, 38:14, 41:7, 42:10, 42:16, 51:3, 52:12, 54:7, 55:9, 56:14, 61:10, 62:4, 62:11, 62:12, 62:20, 67:3, 81:6, 82:23, 83:22, 88:17,</p>	<p>88:21, 89:8, 91:2, 91:3, 92:5, 92:10, 92:11, 92:24, 93:5, 94:18</p> <p><b>respond</b> [9] - 21:20, 35:18, 47:13, 48:25, 77:15, 82:16, 87:21, 90:3, 93:7</p> <p><b>responding</b> [2] - 73:25, 74:11</p> <p><b>response</b> [8] - 19:19, 23:14, 30:18, 52:16, 74:10, 74:12, 85:3</p> <p><b>response)</b> [1] - 59:4</p> <p><b>responsibility</b> [1] - 48:12</p> <p><b>responsible</b> [2] - 28:13, 69:24</p> <p><b>responsive</b> [1] - 91:15</p> <p><b>rest</b> [1] - 16:15</p> <p><b>result</b> [2] - 28:16, 28:23</p> <p><b>resulting</b> [1] - 88:24</p> <p><b>resume</b> [1] - 91:8</p> <p><b>return</b> [6] - 4:8, 7:3, 17:8, 17:17, 17:19, 46:22</p> <p><b>revealed</b> [1] - 76:1</p> <p><b>review</b> [4] - 12:2, 14:24, 71:24, 92:25</p> <p><b>reviewed</b> [1] - 15:11</p> <p><b>Riggi</b> [3] - 56:15, 56:22, 57:15</p> <p><b>rightful</b> [1] - 47:22</p> <p><b>rightfully</b> [1] - 48:22</p> <p><b>rights</b> [12] - 22:20, 22:21, 22:22, 68:20, 70:17, 72:24, 75:5, 76:12, 78:22, 83:23, 85:22, 86:4</p> <p><b>rise</b> [1] - 86:20</p> <p><b>risks</b> [1] - 44:13</p> <p><b>road</b> [1] - 4:12</p> <p><b>Robert</b> [2] - 20:5, 21:16</p> <p><b>Robertson</b> [1] - 85:20</p> <p><b>rolling</b> [2] - 62:8, 62:21</p> <p><b>Rommy</b> [4] - 73:11, 74:18, 76:13, 78:7</p> <p><b>Room</b> [1] - 17:24</p> <p><b>room</b> [1] - 13:3</p> <p><b>Rule</b> [7] - 57:14, 57:25, 64:19, 65:22, 66:15, 66:17, 90:23</p> <p><b>rule</b> [7] - 11:4, 20:25, 45:10, 80:4, 80:10, 86:10, 86:13</p> <p><b>ruled</b> [1] - 69:6</p> <p><b>Rules</b> [1] - 10:10</p> <p><b>rules</b> [1] - 60:10</p> <p><b>ruling</b> [2] - 69:5, 79:20</p> <p><b>RUSSELL</b> [1] - 1:5</p> <p style="text-align: center;"><b>S</b></p> <p><b>safety</b> [1] - 28:6</p> <p><b>sake</b> [4] - 19:2, 31:1, 31:6, 51:25</p> <p><b>Sam</b> [1] - 59:14</p> <p><b>SAM</b> [2] - 2:3, 59:16</p> <p><b>Sanchez</b> [1] - 87:9</p> <p><b>Sanchez-Llamas</b> [1] - 87:9</p> <p><b>sanctions</b> [1] - 68:14</p> <p><b>sanctity</b> [2] - 37:5, 37:11</p> <p><b>Sand</b> [5] - 54:16, 56:2, 56:11, 57:23</p> <p><b>Santos</b> [1] - 56:15</p> <p><b>sat</b> [1] - 53:5</p> <p><b>save</b> [1] - 17:14</p> <p><b>saw</b> [1] - 74:6</p> <p><b>scenario</b> [2] - 30:17, 44:12</p>
--	---	---



<p><b>schedule</b> [25] - 7:14, 7:15, 8:1, 8:15, 10:8, 10:13, 10:15, 11:7, 12:18, 13:18, 14:14, 16:17, 18:17, 54:5, 60:16, 63:6, 63:7, 63:19, 90:20, 91:2, 92:25, 93:2, 93:8, 93:12</p> <p><b>scheduled</b> [3] - 8:20, 12:3, 42:2</p> <p><b>scheduling</b> [2] - 6:10, 17:15</p> <p><b>screen</b> [1] - 54:6</p> <p><b>search</b> [79] - 20:3, 20:7, 20:14, 20:19, 21:6, 21:24, 25:17, 25:20, 25:21, 25:23, 25:24, 26:1, 26:2, 26:4, 26:7, 26:22, 26:23, 27:1, 27:7, 27:14, 27:16, 27:21, 28:6, 28:9, 28:10, 28:11, 28:15, 28:21, 28:22, 29:11, 29:12, 29:19, 29:21, 29:22, 29:23, 30:1, 30:4, 30:12, 30:21, 30:22, 31:11, 32:17, 32:18, 33:24, 34:14, 34:23, 35:3, 35:19, 35:20, 35:23, 36:4, 36:6, 36:9, 36:13, 36:19, 36:21, 38:3, 38:4, 40:3, 40:8, 40:9, 40:11, 41:16, 43:25, 44:3, 45:2, 45:15, 45:23, 46:8, 46:10, 46:24, 47:7, 80:23, 84:13, 84:19, 89:15, 89:20, 90:7</p> <p><b>searched</b> [11] - 78:24, 84:17, 84:19, 84:21, 84:22, 89:4, 89:9, 89:18, 90:6, 90:9</p> <p><b>searches</b> [18] - 30:9, 30:11, 34:12, 35:5, 37:21, 44:21, 45:9, 45:13, 46:1, 85:9, 85:11, 88:11, 88:18, 88:22, 88:23, 88:24, 89:7, 94:19</p> <p><b>searching</b> [1] - 36:17</p> <p><b>seated</b> [1] - 3:9</p> <p><b>second</b> [9] - 9:17, 13:5, 30:12, 33:12, 33:16, 33:18, 82:15, 86:10, 87:11</p> <p><b>Second</b> [14] - 20:11, 20:23, 31:12, 36:1, 36:25, 45:16, 55:19, 68:11, 69:23, 74:21, 81:3, 86:1, 87:2, 88:17</p> <p><b>secondary</b> [1] - 80:3</p> <p><b>secondhand</b> [2] - 27:17, 27:22</p> <p><b>Secondly</b> [1] - 30:24</p> <p><b>securities</b> [1] - 39:9</p> <p><b>security</b> [7] - 3:14, 28:4, 28:5, 37:14, 37:21, 37:24, 40:15</p> <p><b>Security</b> [1] - 65:7</p> <p><b>see</b> [8] - 4:4, 6:1, 8:21, 22:8, 23:12, 53:12, 72:23, 75:25</p> <p><b>seeing</b> [2] - 50:14, 60:6</p> <p><b>seek</b> [3] - 77:4, 85:23, 86:5</p> <p><b>seeking</b> [6] - 35:24, 45:15, 76:23, 77:7, 77:8, 77:13</p> <p><b>seeks</b> [1] - 76:8</p> <p><b>seem</b> [4] - 47:25, 74:15, 75:9, 75:12</p> <p><b>seize</b> [1] - 19:21</p> <p><b>seized</b> [6] - 24:3, 25:1, 28:10, 84:12, 84:18, 89:22</p> <p><b>seizure</b> [3] - 84:11, 88:14, 89:16</p> <p><b>seizures</b> [3] - 85:12, 88:10, 88:24</p> <p><b>selecting</b> [1] - 15:12</p> <p><b>selection</b> [13] - 6:17, 9:11, 9:15, 11:19, 11:20, 14:18, 14:20, 14:22, 15:8, 15:21, 16:2, 16:10</p> <p><b>self</b> [1] - 67:16</p> <p><b>self-surrendered</b> [1] - 67:16</p> <p><b>send</b> [4] - 60:2, 92:25, 93:1, 94:9</p>	<p><b>sending</b> [1] - 11:</p> <p><b>sense</b> [13] - 7:2, 7:8, 8:4, 8:22, 13:13, 18:8, 53:4, 67:9, 71:15, 71:16, 76:21, 78:17, 93:1</p> <p><b>sensitive</b> [1] - 46:19</p> <p><b>sent</b> [1] - 20:10</p> <p><b>separate</b> [2] - 32:6, 79:9</p> <p><b>separateness</b> [1] - 33:6</p> <p><b>September</b> [1] - 12:10</p> <p><b>sequence</b> [1] - 6:11</p> <p><b>seriatim</b> [1] - 83:9</p> <p><b>serious</b> [1] - 83:20</p> <p><b>seriously</b> [1] - 28:4</p> <p><b>Service</b> [1] - 5:19</p> <p><b>set</b> [38] - 7:14, 10:7, 10:9, 11:5, 12:9, 12:18, 13:10, 13:18, 13:24, 16:17, 18:17, 25:5, 28:16, 30:20, 30:22, 31:22, 32:22, 32:23, 33:6, 33:11, 36:13, 38:25, 42:4, 44:12, 48:5, 48:19, 52:10, 52:23, 57:7, 58:7, 64:10, 68:5, 82:22, 90:20, 91:20, 92:2, 92:8, 92:23</p> <p><b>sets</b> [3] - 33:25, 41:10, 42:20</p> <p><b>setting</b> [5] - 3:17, 4:1, 14:14, 63:1, 93:2</p> <p><b>settled</b> [1] - 79:12</p> <p><b>several</b> [1] - 63:10</p> <p><b>severe</b> [4] - 4:25, 36:5, 42:20, 42:21</p> <p><b>severely</b> [1] - 5:3</p> <p><b>shady</b> [1] - 58:11</p> <p><b>shall</b> [1] - 86:20</p> <p><b>Shall</b> [2] - 15:3, 63:22</p> <p><b>shared</b> [1] - 5:11</p> <p><b>sheet</b> [3] - 22:20, 22:21</p> <p><b>sheets</b> [1] - 62:15</p> <p><b>SHELDON</b> [1] - 2:6</p> <p><b>shell</b> [1] - 90:13</p> <p><b>shipped</b> [1] - 84:19</p> <p><b>shortly</b> [3] - 28:8, 66:19, 67:23</p> <p><b>show</b> [1] - 70:20</p> <p><b>showing</b> [1] - 24:23</p> <p><b>shown</b> [1] - 28:9</p> <p><b>SHU</b> [4] - 3:17, 3:23, 3:25, 4:7</p> <p><b>side</b> [5] - 6:22, 9:13, 12:15, 12:22, 94:22</p> <p><b>signed</b> [3] - 40:17, 47:12, 48:16</p> <p><b>significant</b> [1] - 28:2</p> <p><b>SILVERMAN</b> [1] - 2:6</p> <p><b>similar</b> [4] - 4:17, 9:5, 38:3, 53:17</p> <p><b>simpler</b> [2] - 91:17, 93:14</p> <p><b>simply</b> [11] - 20:6, 23:10, 25:21, 26:24, 35:18, 42:4, 45:18, 47:1, 47:6, 89:23, 90:13</p> <p><b>single</b> [2] - 5:21, 83:16</p> <p><b>sit</b> [2] - 70:11, 72:4</p> <p><b>sitting</b> [1] - 89:13</p> <p><b>situation</b> [16] - 4:3, 5:13, 29:24, 31:10, 33:23, 35:16, 41:10, 50:21, 65:12, 68:6, 70:3, 72:4, 72:19, 74:15, 76:5, 76:23</p> <p><b>situations</b> [2] - 65:6, 86:14</p> <p><b>six</b> [3] - 46:11, 63:5, 64:14</p> <p><b>Sixth</b> [18] - 67:5, 67:21, 68:3, 69:19, 69:22, 72:23, 73:3, 73:8, 73:10, 73:18,</p>	<p>74:16, 74:17, 76:12, 77:11, 77:16, 77:25, 80:7, 87:2</p> <p><b>slightly</b> [2] - 30:16, 53:23</p> <p><b>smaller</b> [1] - 84:11</p> <p><b>sole</b> [2] - 57:13, 57:25</p> <p><b>solely</b> [2] - 53:24, 57:4</p> <p><b>solicitation</b> [1] - 73:4</p> <p><b>someone</b> [6] - 29:6, 31:3, 48:4, 50:1, 76:9, 77:17</p> <p><b>sometimes</b> [2] - 15:22, 17:5</p> <p><b>Sometimes</b> [1] - 16:24</p> <p><b>somewhat</b> [5] - 17:16, 53:17, 63:10, 67:9, 79:12</p> <p><b>somewhere</b> [1] - 63:20</p> <p><b>sorry</b> [2] - 55:8, 78:11</p> <p><b>sort</b> [17] - 3:16, 5:22, 9:13, 26:10, 28:19, 30:19, 48:15, 49:21, 50:11, 50:14, 53:11, 53:12, 55:5, 55:12, 65:9, 76:11, 76:18</p> <p><b>sought</b> [1] - 77:1</p> <p><b>sounds</b> [1] - 63:22</p> <p><b>Southern</b> [1] - 28:17</p> <p><b>space</b> [1] - 33:10</p> <p><b>Spain</b> [1] - 73:14</p> <p><b>speaking</b> [2] - 8:23, 93:2</p> <p><b>Speaking</b> [2] - 9:10, 12:15</p> <p><b>specific</b> [5] - 35:1, 37:2, 38:15, 40:20, 53:13</p> <p><b>specifically</b> [4] - 25:10, 37:10, 74:7, 88:14</p> <p><b>speculate</b> [1] - 47:23</p> <p><b>speculation</b> [1] - 47:25</p> <p><b>speculative</b> [1] - 47:21</p> <p><b>spills</b> [1] - 13:25</p> <p><b>stable</b> [1] - 5:9</p> <p><b>stack</b> [1] - 16:1</p> <p><b>staff</b> [2] - 5:20, 6:2</p> <p><b>stage</b> [2] - 39:22, 63:17</p> <p><b>stale</b> [1] - 50:7</p> <p><b>staleness</b> [5] - 47:14, 48:19, 49:20, 49:22, 49:23</p> <p><b>standard</b> [6] - 20:15, 41:21, 44:18, 46:3, 54:22</p> <p><b>standards</b> [3] - 31:21, 44:5, 80:22</p> <p><b>standing</b> [4] - 17:2, 81:4, 85:16, 86:9</p> <p><b>start</b> [8] - 6:6, 13:23, 14:19, 14:22, 16:2, 19:9, 60:25</p> <p><b>started</b> [1] - 12:13</p> <p><b>starting</b> [1] - 15:20</p> <p><b>state</b> [1] - 19:5</p> <p><b>statement</b> [15] - 21:10, 22:20, 24:2, 51:24, 52:5, 52:7, 54:7, 54:13, 55:2, 60:21, 61:4, 61:5, 68:2, 68:8</p> <p><b>statements</b> [62] - 19:10, 43:12, 51:13, 52:2, 52:4, 52:19, 53:2, 53:6, 53:7, 53:12, 53:15, 53:21, 53:22, 53:24, 53:25, 54:1, 54:3, 54:6, 54:17, 54:23, 56:19, 56:21, 57:3, 57:5, 57:24, 58:5, 58:12, 58:18, 58:19, 58:24, 59:8, 59:10, 59:13, 59:20, 59:25, 60:8, 60:9, 61:2, 61:5, 61:6, 61:11, 68:15, 68:23, 69:13, 69:15, 70:11, 72:12, 73:4, 73:15, 73:18,</p>
---	--	--

<p>74:23, 75:21, 77:19, 78:2, 78:6, 78:10, 78:12, 91:4, 91:5, 93:13</p> <p><b>STATES</b> [3] - 1:1, 1:3, 1:12</p> <p><b>States</b> [1] - 86:18</p> <p><b>States</b> [88] - 1:16, 3:2, 20:10, 20:20, 25:4, 25:7, 25:14, 25:15, 25:20, 26:8, 26:10, 26:11, 26:15, 26:24, 26:25, 28:5, 29:3, 31:8, 31:24, 32:10, 33:1, 33:4, 33:15, 33:16, 37:5, 37:14, 37:23, 38:19, 39:11, 39:21, 39:24, 40:3, 40:5, 40:11, 40:13, 40:14, 40:21, 41:5, 43:19, 44:13, 45:14, 63:19, 65:4, 65:5, 65:15, 67:11, 67:19, 68:18, 69:10, 69:25, 70:8, 70:23, 70:24, 70:25, 71:2, 71:11, 71:13, 71:17, 71:22, 72:14, 72:16, 72:19, 72:21, 72:22, 74:15, 75:1, 75:6, 75:14, 76:2, 76:9, 76:16, 76:20, 77:1, 79:14, 80:8, 82:25, 83:4, 83:12, 84:6, 84:20, 86:1, 88:5, 89:1, 89:5, 89:10</p> <p><b>stating</b> [3] - 43:24, 71:4, 81:14</p> <p><b>status</b> [2] - 93:25, 95:3</p> <p><b>statute</b> [2] - 86:12, 87:1</p> <p><b>statutory</b> [1] - 86:11</p> <p><b>stenographer</b> [2] - 64:24, 65:18</p> <p><b>stenography</b> [1] - 2:11</p> <p><b>step</b> [6] - 5:10, 41:19, 47:10, 72:6, 82:24</p> <p><b>steps</b> [1] - 7:13</p> <p><b>still</b> [9] - 3:5, 8:12, 9:16, 17:14, 49:23, 49:25, 79:4, 91:6, 93:22</p> <p><b>stolen</b> [3] - 38:5, 38:18, 38:20</p> <p><b>stood</b> [1] - 90:11</p> <p><b>stop</b> [3] - 82:2, 82:6, 85:3</p> <p><b>stopped</b> [1] - 78:24</p> <p><b>stream</b> [1] - 53:12</p> <p><b>Street</b> [1] - 1:17</p> <p><b>strictures</b> [1] - 35:8</p> <p><b>strip</b> [1] - 79:1</p> <p><b>struck</b> [1] - 15:23</p> <p><b>structure</b> [1] - 53:17</p> <p><b>struggling</b> [1] - 79:4</p> <p><b>stuff</b> [3] - 15:19, 45:24, 81:15</p> <p><b>subject</b> [5] - 21:18, 30:10, 38:5, 60:1, 68:24</p> <p><b>subjected</b> [1] - 78:8</p> <p><b>submission</b> [4] - 21:13, 30:3, 41:25, 79:18</p> <p><b>submissions</b> [2] - 19:3, 95:14</p> <p><b>submit</b> [10] - 15:2, 43:17, 61:8, 67:8, 69:13, 77:10, 79:3, 80:12, 81:22, 81:24</p> <p><b>submitted</b> [9] - 19:16, 66:2, 69:11, 73:12, 74:8, 75:5, 82:23, 83:19, 83:21</p> <p><b>submitting</b> [1] - 24:2</p> <p><b>substantial</b> [8] - 10:18, 11:24, 31:9, 56:24, 75:11, 79:13, 89:5, 89:17</p> <p><b>substitute</b> [1] - 52:2</p> <p><b>subterfuge</b> [2] - 38:21</p> <p><b>suddenly</b> [2] - 25:17, 27:7</p> <p><b>suffer</b> [1] - 72:25</p> <p><b>suffering</b> [1] - 4:25</p> <p><b>sufficient</b> [10] - 14:24, 15:15, 22:8, 42:4, 57:18, 61:11, 62:17, 94:20, 94:23</p>	<p><b>sufficiently</b> [1] -</p> <p><b>suggest</b> [5] - 8:21, 43:21, 63:10, 66:3, 91:11</p> <p><b>suggested</b> [1] - 13:10</p> <p><b>suggestion</b> [1] - 48:2</p> <p><b>summary</b> [1] - 91:8</p> <p><b>summertime</b> [1] - 15:18</p> <p><b>supplemental</b> [1] - 51:17</p> <p><b>supplementation</b> [1] - 30:19</p> <p><b>support</b> [1] - 83:1</p> <p><b>supports</b> [1] - 89:15</p> <p><b>suppose</b> [6] - 22:18, 23:3, 23:18, 56:25, 60:3, 60:4</p> <p><b>supposedly</b> [1] - 36:21</p> <p><b>suppress</b> [1] - 86:21</p> <p><b>suppression</b> [6] - 19:10, 44:13, 86:23, 86:24, 87:9, 87:21</p> <p><b>suppressions</b> [1] - 87:5</p> <p><b>Supreme</b> [5] - 80:14, 81:7, 81:10, 87:3, 87:7</p> <p><b>sur</b> [2] - 19:17, 55:5</p> <p><b>sur-reply</b> [2] - 19:17, 55:5</p> <p><b>surprise</b> [1] - 29:22</p> <p><b>surrender</b> [1] - 88:15</p> <p><b>surrendered</b> [2] - 67:16</p> <p><b>surveillance</b> [2] - 31:15, 31:19</p> <p><b>suspenders</b> [2] - 48:15, 89:10</p> <p><b>suspension</b> [1] - 75:8</p> <p><b>sworn</b> [1] - 71:13</p> <p><b>system</b> [5] - 5:2, 16:22, 16:24, 77:20</p>	<p>9:19, 10:7, 11:13, 11:15, 11:17, 11:24, 12:11, 12:24, 13:4, 13:20, 14:7, 14:12, 15:2, 15:3, 15:6, 15:14, 16:8, 17:17, 18:1, 18:10, 18:13, 18:19, 19:15, 21:20, 22:11, 23:18, 24:25, 26:16, 27:8, 29:17, 30:25, 33:12, 35:4, 36:24, 39:20, 41:17, 41:23, 43:16, 44:19, 47:13, 48:25, 49:16, 50:9, 51:2, 51:8, 51:15, 53:4, 53:11, 55:7, 56:14, 58:2, 59:1, 59:5, 59:14, 59:18, 59:22, 59:24, 60:4, 60:15, 60:24, 61:3, 61:8, 61:14, 61:17, 61:20, 61:23, 61:25, 62:6, 62:11, 63:3, 63:22, 64:11, 64:19, 65:10, 66:10, 66:21, 67:7, 68:10, 69:20, 70:10, 70:20, 73:2, 74:6, 78:14, 79:8, 79:19, 81:2, 82:12, 83:3, 85:4, 90:3, 90:14, 90:16, 90:25, 91:11, 91:13, 91:16, 92:1, 92:3, 92:10, 92:20, 92:23, 93:4, 93:16, 93:20, 93:22, 94:6, 94:16, 94:21, 95:1, 95:3, 95:10, 95:12</p> <p><b>themselves</b> [5] - 50:13, 52:4, 76:5, 86:17, 86:22</p> <p><b>theoretical</b> [3] - 76:21, 78:18, 80:25</p> <p><b>theory</b> [4] - 19:23, 29:10, 34:19, 89:14</p> <p><b>thereafter</b> [1] - 28:9</p> <p><b>therefore</b> [3] - 19:22, 19:24, 23:13</p> <p><b>thereof</b> [1] - 42:16</p> <p><b>they've</b> [1] - 72:8</p> <p><b>Thinking</b> [1] - 49:4</p> <p><b>thinking</b> [5] - 12:5, 12:6, 49:18, 50:15, 68:7</p> <p><b>thinks</b> [2] - 6:23, 87:14</p> <p><b>third</b> [2] - 68:10, 87:11</p> <p><b>thorny</b> [1] - 80:19</p> <p><b>threat</b> [1] - 28:4</p> <p><b>three</b> [9] - 6:25, 20:12, 21:21, 30:1, 32:18, 33:18, 63:21, 68:24, 79:9</p> <p><b>threw</b> [1] - 19:6</p> <p><b>thumb</b> [4] - 84:16, 84:20, 90:6, 90:9</p> <p><b>Thursday</b> [1] - 16:15</p> <p><b>tie</b> [1] - 18:5</p> <p><b>tied</b> [1] - 94:1</p> <p><b>tight</b> [1] - 60:16</p> <p><b>tilt</b> [1] - 72:9</p> <p><b>timing</b> [1] - 23:1</p> <p><b>Tobago</b> [1] - 86:4</p> <p><b>today</b> [13] - 5:24, 6:4, 8:6, 10:3, 14:3, 52:10, 52:25, 54:2, 59:8, 81:23, 90:17, 90:19, 94:8</p> <p><b>today's</b> [2] - 4:4, 8:21</p> <p><b>together</b> [4] - 16:19, 26:13, 66:24, 69:12</p> <p><b>tomorrow</b> [1] - 54:2</p> <p><b>TONI</b> [1] - 2:1</p> <p><b>took</b> [8] - 24:13, 28:3, 30:9, 49:14, 53:17, 54:21, 63:12, 89:16</p> <p><b>tool</b> [1] - 72:14</p> <p><b>torture</b> [1] - 75:8</p> <p><b>totality</b> [4] - 34:2, 34:6, 35:10, 35:11</p> <p><b>touched</b> [1] - 59:7</p> <p><b>tough</b> [1] - 80:9</p> <p><b>towards</b> [2] - 15:11, 32:7</p> <p><b>track</b> [1] - 41:13</p>
SS		
OCR		
CM		
CRR		
CSR		

<p><b>traditionally</b> <sup>[1]</sup> - 37:4</p> <p><b>trafficking</b> <sup>[1]</sup> - 32:14</p> <p><b>TRANSCRIPT</b> <sup>[1]</sup> - 1:11</p> <p><b>Transcript</b> <sup>[1]</sup> - 2:11</p> <p><b>Transcription</b> <sup>[1]</sup> - 2:11</p> <p><b>transferred</b> <sup>[1]</sup> - 5:13</p> <p><b>translation</b> <sup>[1]</sup> - 32:10</p> <p><b>transmitted</b> <sup>[1]</sup> - 82:3</p> <p><b>transported</b> <sup>[1]</sup> - 64:21</p> <p><b>travel</b> <sup>[1]</sup> - 65:1</p> <p><b>traveled</b> <sup>[2]</sup> - 28:8, 40:7</p> <p><b>traveling</b> <sup>[1]</sup> - 46:17</p> <p><b>treaties</b> <sup>[13]</sup> - 81:17, 81:19, 82:1, 83:7, 85:10, 85:15, 86:17, 86:22, 87:12, 88:10, 88:12, 89:25, 90:2</p> <p><b>treatise</b> <sup>[1]</sup> - 86:3</p> <p><b>treatment</b> <sup>[2]</sup> - 3:14, 3:18</p> <p><b>Treaty</b> <sup>[1]</sup> - 88:19</p> <p><b>treaty</b> <sup>[21]</sup> - 40:4, 73:22, 82:7, 82:9, 85:2, 85:16, 85:17, 85:22, 85:24, 86:5, 86:11, 86:12, 86:18, 86:19, 87:1, 87:13, 88:13, 88:14, 88:16, 88:20, 88:21</p> <p><b>trial</b> <sup>[35]</sup> - 4:9, 5:23, 6:11, 6:14, 7:1, 7:4, 7:14, 7:21, 7:23, 7:25, 8:1, 9:7, 10:13, 12:3, 12:9, 13:8, 13:13, 16:17, 17:7, 24:9, 45:14, 45:18, 54:14, 54:16, 58:14, 60:17, 61:15, 62:25, 63:5, 63:21, 64:14, 77:8, 91:22, 91:23, 93:22</p> <p><b>trial-ready</b> <sup>[1]</sup> - 60:17</p> <p><b>trials</b> <sup>[1]</sup> - 94:1</p> <p><b>tribunal</b> <sup>[2]</sup> - 69:5, 74:25</p> <p><b>tribunals</b> <sup>[1]</sup> - 75:8</p> <p><b>tried</b> <sup>[1]</sup> - 75:17</p> <p><b>Trinidad</b> <sup>[22]</sup> - 25:16, 46:18, 53:9, 58:10, 63:13, 67:10, 67:18, 68:1, 68:3, 68:8, 68:25, 69:7, 71:19, 75:24, 81:20, 82:4, 82:18, 83:7, 86:4, 87:13, 88:18, 89:16</p> <p><b>Trinidadian</b> <sup>[14]</sup> - 67:25, 71:11, 71:12, 71:14, 74:1, 74:3, 82:2, 82:5, 84:12, 84:22, 86:7, 88:1, 90:10</p> <p><b>troubling</b> <sup>[1]</sup> - 23:18</p> <p><b>true</b> <sup>[8]</sup> - 23:3, 30:8, 53:16, 60:3, 60:4, 62:10, 62:12, 91:14</p> <p><b>try</b> <sup>[6]</sup> - 10:17, 13:15, 44:15, 60:9, 71:15, 80:10</p> <p><b>trying</b> <sup>[5]</sup> - 35:17, 35:18, 35:20, 36:4, 78:6</p> <p><b>tuning</b> <sup>[1]</sup> - 7:20</p> <p><b>Turkey</b> <sup>[2]</sup> - 32:8, 33:4</p> <p><b>turkey</b> <sup>[1]</sup> - 32:14</p> <p><b>Turkish</b> <sup>[10]</sup> - 31:8, 31:13, 32:1, 32:3, 32:5, 32:6, 32:11, 32:23, 32:24, 33:9</p> <p><b>turn</b> <sup>[11]</sup> - 49:5, 54:3, 62:16, 62:23, 63:4, 63:16, 63:18, 63:24, 90:23, 91:19</p> <p><b>turned</b> <sup>[9]</sup> - 26:7, 26:25, 29:12, 32:9, 32:18, 32:19, 33:4, 33:9, 63:14</p> <p><b>turning</b> <sup>[1]</sup> - 75:1</p> <p><b>two</b> <sup>[22]</sup> - 3:11, 6:25, 9:8, 10:23, 12:6, 17:4, 17:10, 30:1, 30:9, 30:11, 31:13, 32:18, 43:9, 60:22, 61:14, 61:16, 66:4, 74:8, 76:13, 79:18, 81:20, 93:1</p>	<p><b>Two</b> <sup>[1]</sup> - 61:13</p> <p><b>two-part</b> <sup>[1]</sup> - 43:9</p> <p><b>type</b> <sup>[8]</sup> - 4:2, 5:7, 39:19, 41:12, 57:22, 58:19, 58:21, 62:13</p> <p><b>types</b> <sup>[1]</sup> - 53:12</p> <p style="text-align: center;"><b>U</b></p> <p><b>U.S</b> <sup>[35]</sup> - 1:4, 1:19, 27:12, 29:3, 29:4, 29:12, 30:14, 31:3, 32:2, 33:8, 35:1, 35:6, 36:10, 41:15, 65:1, 68:9, 73:17, 74:4, 75:13, 78:18, 78:19, 78:23, 79:3, 80:19, 80:22, 80:24, 82:5, 82:11, 84:14, 84:19, 85:20, 86:4, 87:10, 89:17, 89:19</p> <p><b>ultimately</b> <sup>[2]</sup> - 37:12, 48:17</p> <p><b>unable</b> <sup>[4]</sup> - 23:2, 24:2, 24:20, 36:15</p> <p><b>unbeknownst</b> <sup>[1]</sup> - 65:13</p> <p><b>unclear</b> <sup>[2]</sup> - 84:20, 84:22</p> <p><b>under</b> <sup>[38]</sup> - 7:1, 8:17, 13:6, 19:20, 19:22, 20:24, 26:19, 28:15, 28:22, 28:24, 29:1, 29:3, 29:5, 29:8, 29:10, 33:15, 34:6, 34:24, 42:12, 42:17, 42:18, 43:2, 44:6, 44:12, 45:22, 46:14, 48:23, 57:17, 66:15, 69:19, 71:20, 73:3, 73:10, 74:9, 77:14, 79:15, 86:5, 88:13</p> <p><b>Under</b> <sup>[2]</sup> - 57:23, 88:3</p> <p><b>underlying</b> <sup>[4]</sup> - 28:12, 48:7, 88:1, 88:3</p> <p><b>undermine</b> <sup>[2]</sup> - 38:24, 39:17</p> <p><b>undermines</b> <sup>[1]</sup> - 38:16</p> <p><b>understaffed</b> <sup>[1]</sup> - 5:3</p> <p><b>understandable</b> <sup>[1]</sup> - 70:15</p> <p><b>understood</b> <sup>[2]</sup> - 23:13, 51:12</p> <p><b>underway</b> <sup>[1]</sup> - 7:5</p> <p><b>unforeseen</b> <sup>[1]</sup> - 26:23</p> <p><b>unique</b> <sup>[1]</sup> - 67:9</p> <p><b>UNITED</b> <sup>[3]</sup> - 1:1, 1:3, 1:12</p> <p><b>United</b> <sup>[89]</sup> - 1:16, 3:2, 20:10, 20:20, 25:4, 25:7, 25:14, 25:15, 25:20, 26:7, 26:10, 26:11, 26:15, 26:24, 26:25, 28:5, 29:3, 31:8, 31:24, 32:10, 33:1, 33:4, 33:15, 33:16, 37:5, 37:14, 37:23, 38:19, 39:11, 39:21, 39:24, 40:3, 40:5, 40:11, 40:13, 40:14, 40:21, 41:5, 43:19, 44:13, 45:14, 63:19, 65:4, 65:5, 65:15, 67:10, 67:19, 68:18, 69:10, 69:24, 70:8, 70:23, 70:24, 70:25, 71:2, 71:11, 71:13, 71:17, 71:22, 72:14, 72:15, 72:19, 72:21, 72:22, 74:15, 75:1, 75:6, 75:14, 76:2, 76:9, 76:16, 76:20, 77:1, 79:14, 80:8, 82:25, 83:4, 83:12, 83:13, 84:6, 84:20, 86:1, 88:5, 88:25, 89:5, 89:10</p> <p><b>unless</b> <sup>[7]</sup> - 25:18, 46:5, 52:25, 53:6, 85:21, 86:11, 86:25</p> <p><b>Unless</b> <sup>[2]</sup> - 67:1, 76:10</p> <p><b>unlike</b> <sup>[2]</sup> - 57:15, 73:11</p> <p><b>unrequested</b> <sup>[1]</sup> - 26:24</p> <p><b>unworkable</b> <sup>[1]</sup> - 44:18</p> <p><b>up</b> <sup>[25]</sup> - 3:22, 6:3, 6:22, 7:14, 8:11, 10:9, 12:9, 12:18, 14:14, 17:6, 18:5, 23:9, 26:9, 33:5, 39:11, 41:24, 44:12, 63:1, 64:10, 66:15, 80:13, 83:24, 85:1, 89:3, 94:1</p>	<p><b>Up</b> <sup>[1]</sup> - 53:23</p> <p><b>update</b> <sup>[3]</sup> - 3:7, 4:16, 14:21</p> <p><b>updated</b> <sup>[1]</sup> - 28:9</p> <p><b>upheld</b> <sup>[2]</sup> - 40:17, 80:22</p> <p><b>uphold</b> <sup>[1]</sup> - 80:21</p> <p><b>Urquides</b> <sup>[1]</sup> - 78:25</p> <p><b>US</b> <sup>[1]</sup> - 80:11</p> <p><b>useful</b> <sup>[1]</sup> - 51:16</p> <p><b>uses</b> <sup>[1]</sup> - 29:10</p> <p style="text-align: center;"><b>V</b></p> <p><b>vacate</b> <sup>[2]</sup> - 48:10, 50:11</p> <p><b>vacation</b> <sup>[1]</sup> - 15:18</p> <p><b>vacuum</b> <sup>[1]</sup> - 52:1</p> <p><b>valid</b> <sup>[3]</sup> - 28:15, 28:21, 81:23</p> <p><b>validity</b> <sup>[1]</sup> - 28:22</p> <p><b>value</b> <sup>[1]</sup> - 47:12</p> <p><b>various</b> <sup>[4]</sup> - 11:4, 39:10, 52:23, 81:23</p> <p><b>venture</b> <sup>[9]</sup> - 25:9, 29:9, 31:14, 31:23, 33:14, 34:22, 40:12, 79:1, 79:6</p> <p><b>Verdugo</b> <sup>[16]</sup> - 44:23, 78:19, 78:24, 79:10, 79:11, 79:20, 80:7, 80:15, 80:18, 81:1, 81:3, 81:4, 81:7, 81:13, 85:10</p> <p><b>version</b> <sup>[2]</sup> - 22:15, 61:2</p> <p><b>versions</b> <sup>[1]</sup> - 54:4</p> <p><b>versus</b> <sup>[11]</sup> - 3:2, 20:11, 20:20, 34:4, 36:2, 36:6, 45:18, 78:18, 85:20, 86:1, 87:9</p> <p><b>vested</b> <sup>[3]</sup> - 67:21, 72:15, 72:24</p> <p><b>vests</b> <sup>[1]</sup> - 71:5</p> <p><b>Vienna</b> <sup>[2]</sup> - 87:4, 87:8</p> <p><b>view</b> <sup>[8]</sup> - 25:11, 47:4, 49:1, 62:15, 70:16, 81:1, 89:9, 89:15</p> <p><b>viewpoint</b> <sup>[1]</sup> - 4:7</p> <p><b>violate</b> <sup>[2]</sup> - 73:18, 87:19</p> <p><b>violated</b> <sup>[1]</sup> - 76:12</p> <p><b>violation</b> <sup>[10]</sup> - 67:5, 69:22, 85:16, 85:24, 87:1, 87:4, 87:15, 87:20, 87:23</p> <p><b>violations</b> <sup>[3]</sup> - 86:6, 86:11, 86:15</p> <p><b>virtual</b> <sup>[3]</sup> - 29:9, 33:14, 79:2</p> <p><b>voir</b> <sup>[2]</sup> - 6:20, 17:22</p> <p><b>voluntarily</b> <sup>[2]</sup> - 69:15, 75:22</p> <p><b>volunteered</b> <sup>[2]</sup> - 73:15, 73:16</p> <p><b>volunteers</b> <sup>[2]</sup> - 78:5, 78:10</p> <p style="text-align: center;"><b>W</b></p> <p><b>wait</b> <sup>[5]</sup> - 8:12, 8:21, 17:14, 46:9, 53:2</p> <p><b>waiving</b> <sup>[1]</sup> - 89:21</p> <p><b>walk</b> <sup>[1]</sup> - 71:18</p> <p><b>wants</b> <sup>[4]</sup> - 13:12, 51:3, 70:23, 71:13</p> <p><b>warden</b> <sup>[3]</sup> - 4:25, 5:12, 5:20</p> <p><b>warning</b> <sup>[1]</sup> - 23:16</p> <p><b>Warnings</b> <sup>[3]</sup> - 22:13, 22:15, 22:19</p> <p><b>warnings</b> <sup>[2]</sup> - 23:4, 23:8</p> <p><b>warrant</b> <sup>[75]</sup> - 25:25, 28:12, 28:21, 29:1, 29:4, 29:5, 30:4, 30:16, 31:12, 34:11, 34:14, 34:22, 35:1, 35:6, 35:9, 35:17, 35:19, 35:20, 35:22, 35:25, 36:7, 36:8, 37:10, 37:17, 38:4, 38:5, 38:15,</p>
--	---	---



<p>38:18, 38:23, 39:4, 39:23, 43:25, 44:3, 44:16, 44:23, 45:1, 45:7, 45:25, 46:8, 47:7, 47:11, 48:14, 48:17, 48:18, 49:4, 49:20, 50:7, 50:16, 67:11, 67:15, 67:17, 73:7, 73:23, 76:21, 77:19, 78:3, 82:4, 82:5, 82:11, 84:20, 84:23, 87:20, 88:12, 89:12, 89:13, 89:18, 89:19, 89:23, 90:7</p> <p><b>warranted</b> [1] - 63:15</p> <p><b>warrantless</b> [3] - 34:12, 35:23, 89:15</p> <p><b>warrants</b> [4] - 43:20, 45:24, 81:23, 88:23</p> <p><b>wasted</b> [1] - 85:13</p> <p><b>ways</b> [1] - 41:14</p> <p><b>weddings</b> [1] - 15:18</p> <p><b>week</b> [7] - 11:23, 16:15, 61:11, 61:15, 61:22, 61:23, 93:7</p> <p><b>weekend</b> [1] - 18:2</p> <p><b>weeks</b> [17] - 3:11, 6:25, 9:8, 11:20, 12:6, 17:5, 17:10, 60:22, 61:13, 61:14, 61:16, 62:24, 63:5, 63:11, 63:21, 66:4, 93:2</p> <p><b>weight</b> [4] - 3:15, 4:17, 48:1, 49:16</p> <p><b>WHALEN</b> [34] - 1:20, 9:10, 11:16, 11:18, 12:5, 12:15, 14:6, 19:14, 20:4, 23:7, 24:11, 25:11, 26:18, 30:18, 31:25, 34:13, 35:17, 41:20, 42:3, 43:8, 44:5, 49:1, 49:18, 50:14, 51:11, 59:25, 60:5, 61:12, 61:15, 61:19, 61:24, 93:19, 94:3, 94:12</p> <p><b>Whalen</b> [9] - 13:9, 19:12, 21:21, 22:7, 25:3, 38:7, 39:11, 94:14, 94:22</p> <p><b>Whalen's</b> [1] - 60:13</p> <p><b>wheel</b> [1] - 16:6</p> <p><b>whereas</b> [1] - 56:8</p> <p><b>whole</b> [3] - 13:24, 23:19, 78:20</p> <p><b>wildly</b> [1] - 9:25</p> <p><b>willing</b> [3] - 64:22, 65:1, 65:3</p> <p><b>willingness</b> [1] - 65:17</p> <p><b>wiretaps</b> [6] - 31:16, 32:2, 32:9, 32:11, 34:12</p> <p><b>wise</b> [1] - 13:18</p> <p><b>wish</b> [8] - 4:13, 21:20, 41:17, 48:25, 55:7, 59:2, 59:14, 90:3</p> <p><b>wishes</b> [4] - 10:6, 11:1, 42:25, 43:6</p> <p><b>withdrawn</b> [1] - 51:15</p> <p><b>witness</b> [7] - 22:9, 57:11, 62:14, 65:13, 65:15, 66:19, 94:23</p> <p><b>witness'</b> [2] - 58:16, 91:8</p> <p><b>Witnesses</b> [1] - 65:15</p> <p><b>witnesses</b> [20] - 10:3, 24:13, 63:25, 64:4, 64:7, 64:16, 64:21, 64:22, 64:25, 65:8, 66:5, 66:18, 90:24, 91:3, 91:7, 91:15, 91:20, 91:21, 92:4, 92:5</p> <p><b>wondering</b> [1] - 90:6</p> <p><b>Word</b> [2] - 18:11, 18:13</p> <p><b>word</b> [1] - 71:16</p> <p><b>words</b> [4] - 20:2, 46:16, 47:16, 56:1</p> <p><b>worth</b> [2] - 10:23, 17:11</p> <p><b>writ</b> [1] - 75:8</p> <p><b>writing</b> [2] - 22:14, 23:10</p> <p><b>written</b> [3] - 53:22, 82:20, 84:3</p>	<p><b>Y</b></p> <p><b>YORK</b> [1] - 1:1</p> <p><b>York</b> [11] - 1:5, 1:17, 2:8, 24:4, 28:17, 40:20, 49:3, 49:11, 50:4, 50:5, 89:14</p> <p><b>Z</b></p> <p><b>ZOE</b> [1] - 1:24</p>
--	--